

Maintaining Family Contact When a Family Member Goes to Prison

**An Examination of State Policies
on Mail, Visiting, and Telephone Access**



**Florida House of Representatives
Justice Council
Committee on Corrections
Representative Allen Trovillion, Chair**

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I. INTRODUCTION

In the last ten years, the number of people incarcerated in Florida has almost doubled, rising from 33,681 in 1988, to 64,713 in 1997. As correctional populations increase, so do the number of people, adults and children alike, who are undergoing the experience of having a family member in prison. Thousands of families across Florida are traveling to visit their loved ones in prison, sending money for the inmate to purchase letter writing materials, accepting collect telephone calls and sending and receiving mail. This report examines the government policies which impact these families and the government services received by these family members as they seek to maintain contact with their child, sibling or parent who is incarcerated.

According to the department, at least 95% of Florida's prison population will at some point return to the community. In recognition of this reality, the state implements programs which prepare the offender for a successful release, such as substance abuse treatment, educational programs or job training. Although substance abuse treatment, education and job skills may enhance the offender's likelihood of a successful release, probably most important is for released offenders to have someone who will give them guidance and support when they are released. For this reason, families can be a valuable community resource for assisting in an offender's successful reentry into the free world. In fact, research has shown that having a family to return to is one of the most important factors in a released inmate's success.

Although family and community contacts can play a very important role in helping released offenders avoid returning to prison, this report will show that the state has neglected this valuable resource and has in the last few years erected many impediments for families who strive to maintain meaningful contact. In addition, this report will show that there is a remarkable absence from the rehabilitation programs offered of any large scale programs aimed at family services, improving visitor services or assisting the offender to understand and maintain positive family relationships. In contrast to the absence of visitor services or programs in Florida, this report will inventory the diverse and innovative programs operating in other states.

Finally, this report will document the financial burdens borne by family members with loved ones in prison and the extent to which families substantially subsidize the correctional system through their indirect contributions to the inmate welfare trust fund. In addition to having to adjust for the lost income from the inmate, families also must take on many additional expenses just to keep in touch with the inmate. Families must supply the inmate with writing materials, accept collect telephone calls at high rates, and travel all over the state to visit.

Hopefully, the findings and recommendations in this report will be of use to state leaders in both the executive and legislative branch of government by illuminating the complex and emotionally-laden corrections and family issues presented here. At best, perhaps, this research will serve as the impetus for the state to provide real customer service improvements to families and to "think outside of the box" as it attempts to remove some traditional and bureaucratic constraints to family reunification and to reduced recidivism.

Findings

- Finding 1** Empirical research suggests that encouraging families to remain intact may help lower recidivism.
- Finding 2** Security measures imposed by the department present barriers to maintaining family contact.
- Finding 3** The use of approved calling lists and phone call time limits, although important security features, make it more difficult for families to communicate by phone.
- Finding 4** It can be very expensive to accept phone calls from a family member in prison. Under the current rate caps provided by the Public Service Commission, a ten minute phone call may cost anywhere from \$2.45 to \$7. Surveyed family members estimated spending an average of \$69.19 a month accepting telephone calls from the inmate. Additionally, some telephone service providers have a history of overcharging inmate families.
- Finding 5** Families and friends of the inmate are the primary source of income for the Inmate Welfare Trust Fund, which collected almost \$49 million in revenues in FY 1997-98.
- Finding 6** Most of the Inmate Welfare Trust Fund is not spent in a way that directly benefits families. In FY 1997-98:
- C \$78,550, or less than 1%, was spent on visiting pavilions; and
 - C \$28,605,777, or 59%, was spent on operating expenditures, including more than \$5 million for employee salaries and \$21 million for restocking the canteen.
- Finding 7** Other states with large correctional populations, such as New York and California, are using revenue from inmate telephone commissions to provide direct services for inmate families, such as visitor centers and transportation to remote prisons.
- Finding 8** In a survey of families visiting Florida correctional institutions, 23 respondents independently asked that the package permit policy be reinstated, stating that it was meaningful for families to be able to send “care packages” with religious materials, books, newspaper articles and family photos, especially on birthdays

and holidays.

Finding 9 The majority of state prisons are in remote locations, usually without convenient public transportation services. For example, the most remote prison, Century C.I., is approximately 700 miles from Miami. Furthermore, proximity to family members is not the primary factor in assigning an inmate to a prison. According to surveyed family members, the travel distance required to visit was the greatest burden experienced as a result of having a family member in prison.

Finding 10 Although described as a meaningful experience for families, there has been a statewide trend to prohibit inmate families from attending chapel with the inmate. Sixteen institutions currently provide such services. Sixty-one percent of correctional officers surveyed feel such services create a serious security threat. However, this may be related to the fact that many institutions do not provide security staff for chapel services.

Finding 11 Typically, institutions rely on the inmate to provide family members with information about visiting. Both visitors and correctional officers expressed frustration that institutions do not provide visitors with advance information about visiting rules and procedures, or about other policies of the department.

Finding 12 According to the survey, visiting policies, such as the dress code, are not uniform among institutions. Furthermore, both officers and family members reported that policies are often applied inconsistently or in a biased manner.

Finding 13 Outdated processes and equipment and lack of staff cause frequent delays in processing visitors. Visitors often expressed frustration at the slowness of the check-in process typically complaining that they had to stand in long lines outside the institution, exposed to inclement weather.

Finding 14 Both officers and visitors expressed mutual concern over the level of courteousness in the visiting area.

Finding 15 According to the survey, the average visitor is a fifty-year-old mother visiting her son.

Finding 16 Although an important and necessary security measure, the pat down search can be a degrading and humiliating experience. Ninety percent of the visitors surveyed said they undergo a pat down search every time they visit.

Finding 17 Most visiting areas have nothing for children to do during visiting. Only five institutions

provide anything for children. All five have either toys or books or both available for children inside the visiting area. One of these five, a private facility, also has a small outside playground area.

Finding 18 When visiting areas are not modified to accommodate children, the visiting experience can be difficult for everyone involved - the child, the parents, and the correctional officers - as small children are expected to sit quietly for up to six hours. Fifty-two percent of the officers surveyed think that it is inappropriate to even bring children to visit a family member in prison. However, 17 officers independently suggested that if children are to be allowed, the institution should provide some sort of activity for them, such as a VCR, toys or a playground.

Finding 19 According to the survey, visiting area vending machines can be costly, contain unhealthy food, and are often empty before the visiting time period is over. The correctional officers surveyed repeatedly reported that difficulties associated with vending machines are a major problem in the visiting area.

Finding 20 According to the survey, correctional officers perceive the lack of assigned staff to be the biggest problem in the visiting area. Seventy-two percent of correctional officers surveyed believe that the visiting area is understaffed.¹

Finding 21 One out of every four visiting areas does not have enough seating to accommodate the maximum capacity of visitors.

Finding 22 Ninety-three percent of correctional officers surveyed view the property restrictions in the visiting area as effective. Although these restrictions have reportedly made controlling contraband less burdensome for correctional officers, they have also had an impact on families, who complain they can no longer bring family meals or toys or coloring books for children.

¹ Committee staff did not attempt to determine whether this was a result of insufficient full time employees or inappropriate post assignments.

Recommendations

Recommendation 1 The Legislature should amend §945.215 to require that a percentage of the inmate welfare trust funds be spent on improving family contacts.

Recommendation 2 The Legislature should prioritize inmate welfare trust fund appropriations to insure visitors are not forced to be in inclement weather.

Recommendation 3 The Legislature should amend §20.315, F.S. to create an Office of Family Services within the Department of Corrections. The mission of the newly created office will be, at a minimum, to advocate and facilitate policies and programs which encourage family contact and frequent family visits. The office will also be required to develop and disseminate information on visiting regulations and processes to approved visitors, provide specialized training for officers who are regularly assigned to the visiting area, periodically audit and review institutional visiting, mail and telephone procedures and identify visiting area physical plant deficiencies which may directly impact family members, serve as a centralized communication point to receive and respond to questions from family members, and develop and operate a formal family grievance process for family members.

Recommendation 4 The Legislature should require the department to study and report back to the Legislature on the feasibility of the following:

- C Creating and disseminating an informational guidebook to assist families in understanding the rules and policies of the department;
- C Returning to a policy of allowing families to send a limited number of packages to inmates or creating a system for standardized care packages;
- C Piloting an alternative method of institutional telephone service which can shift the burden of paying from the family to the inmate or allow the paying party to choose the service provider, while maintaining the commission and not compromising security;

- C Providing activities for children, especially activities that offer inmates the opportunity to interact with their own children;
- C Consulting with correctional officers to consider ways to deal with children in the visiting area while still encouraging children to bond with parents;
- C Addressing the staffing needs of the visiting area and consider implementing civilian positions or using temporary assignments;
- C Examining the current food service methods in visiting areas;
- C Using the Internet to provide visiting information;
- C Providing specialized training for officers working in the visiting area; and,
- C Any other propositions that may benefit the family without jeopardizing security.

II. METHODOLOGY

The findings and recommendations in this report are based on the following research methodology:

- ! A survey questionnaire administered to a sample of people visiting Florida institutions (See Appendix 1);²
- ! A survey questionnaire administered to a sample of correctional officers who work in the visiting area in each institution (See Appendix 2);³
- ! A survey questionnaire administered to all legislative assistants in the House and Senate (See Appendix 3);
- ! A telephone survey administered to the twelve states with the largest correctional populations;
- ! Data collected through a focus group with Floridians who have family members in prison;
- ! Data collected through site visits to visiting areas and chapel during visiting hours;
- ! Relevant information collected from the Department of Corrections and the Correctional Privatization Committee; and,
- ! A literature review on relevant topics.

² The sample was based on visiting lists collected in the month of July, 1998 from seven Florida institutions, including one female and one private. A total of 740 surveys were sent, 132 of which were returned undeliverable, for a final sample rate of 608. Of these, 286 surveys were returned completed, for a return rate of 47%.

³ The sample included two officers from each institution who had worked in the visiting area during July and August 1998. Of the 120 surveys mailed, one was returned as undeliverable, and a total of 61 were returned completed, for a return rate of 51%.

III. WHY ARE FAMILY ISSUES IMPORTANT?

A. Inmates Are Returning to Our Communities

The department estimates that more than 95% of the offenders currently incarcerated in Florida will be returning to the free community.¹ In light of this fact, public safety requires that every effort be made to insure that inmates are able to make a successful transition to the free world. During their period of incarceration, inmates lose all decision-making authority over everyday functions like when to eat, sleep, and talk.

For inmates who are released after long period of captivity, the transition into the free world with \$100 and a bus ticket is difficult, especially if family support is not there. If inmates are fortunate enough to have a family to return to, the family can be the stabilizing force to assist them in finding shelter, to help them find a job, and to offer transitional support. Intact families can provide services for both the inmate and the released offender that can not be replicated by any government agency.

Ninety-five percent of the offenders currently incarcerated in Florida will be returning to our communities.

B. Families Subsidize the Department of Corrections

In FY 1997-98, the department received a total of \$48,887,514 into the inmate welfare trust fund. The families of inmates were the primary source of these funds, as they accepted collect calls from inmates, bought food in the visiting areas, and provided funds for the inmate's personal account to be spent in the institutional canteen. Although families and friends of inmates were the leading contributors, money in the inmate welfare trust fund is required by statute to be spent "for the benefit and welfare of the inmates," including education, religion, libraries, visiting pavilions, inmate clubs, and inmate legal services.² In spite of their indirect contribution to the almost \$50 million dollar fund, less than \$100,000 was spent on programs directly benefitting families in FY 1997-98, as illustrated by Exhibits 1a and 1b.

C. Families Are Burdened by Incarceration

The incarceration of a loved one can be a major hardship for a family. First, families may experience serious financial problems as a result of the incarceration. The offender may have been the family's primary source of income. Or the family may have drained their already scarce resources for the offender's legal costs. In addition to the lost resources upon incarceration, the family must take on additional expenses in order to maintain contact: including expenses relating to visiting, accepting phone calls, providing writing materials, and funding the inmate's institutional account.

¹ See Agency Strategic Plan 1998-2003, Executive Summary.

² See § 945.215, F.S.

Exhibit 1a

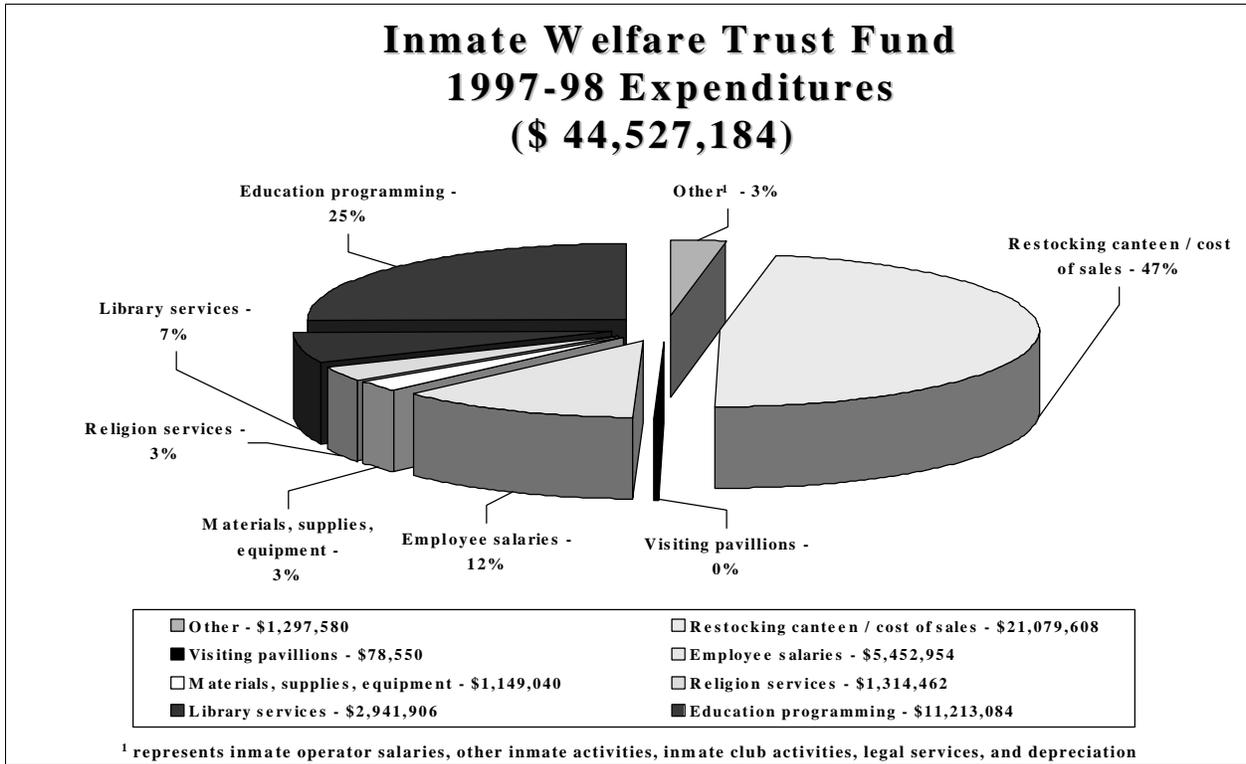
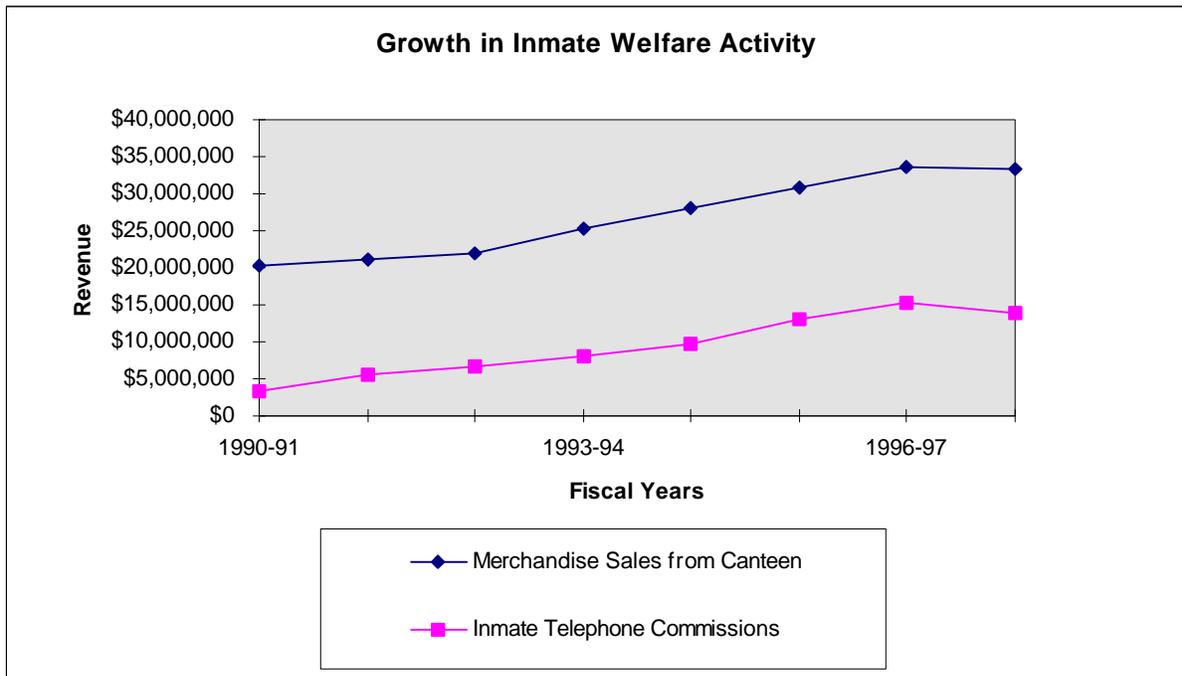


Exhibit 1b



In addition to the financial difficulties, families may find other difficulties in attempting to maintain a relationship with the offender, or even just to keep in touch. The physical isolation of the inmate from the family means that families must make active efforts to maintain relationships. However, the department is a paramilitary organization charged with the custody and control of inmates. Family contact is governed by rules and institutional operating procedures that are sometimes rigid in application and difficult to understand. Families are often not informed of these rules, nor considered in their development. As illustrated in Exhibit 2, over the last ten years there has been an increasingly apparent trend to allow families to be sacrificed to other needs of the department.

In spite of the burdens experienced, families are often a neglected component in the criminal justice system. Often called by advocates the “hidden victims of crime,” families are frequently overlooked in the law, the research and in the designing of social programs. Moreover, neither courts, correctional agencies nor social service agencies are specifically designated to consider or provide services to the families of inmates. Although both the offender and the victim are afforded rights throughout the process of conviction and incarceration, family members do not have similar rights, nor even an opportunity to be heard. Furthermore, although individual superintendents make decisions that can gravely affect the ability of a family to survive incarceration, there is currently no formal grievance or appeal process available to families.

D. Offenders with Family Contacts May be Less Likely to Return to Prison

Much has been written about the critical role that family contacts can play in an inmate’s rehabilitative process, although the available literature admits that few current empirical studies exist. In one frequently cited study, “Explorations in Inmate-Family Relationships,” Norman Holt and Donald Miller examined the relationships between California inmates and their families. Generally, they found a significant difference in the rate of return to prison for inmates with regular and continuing visits as compared to those inmates who received no visits or only sporadic visits. Specifically, their findings showed that:

- C Only 50% of inmates receiving no visits completed their first year of parole without arrests, while 70% of inmates who received at least three continuing visitors were arrest free in this period.
- C Inmates receiving no visits were six times more likely to return to prison in their first year of parole than those receiving at least three visitors.

The researchers also compared visiting patterns with other variables that are usually associated with parole success - the amount of release money an inmate has and the availability of a job upon release. They found that neither affected the inmate’s parole success as much as having a family to which they could come home.

Inmates receiving no visits were six times more likely to return to prison in their first year of parole than those receiving at least three visitors.

The department has recognized this connection in rule, stating

*“Inmate visits with approved family members or friends should be encouraged for the positive purpose of maintaining home and community ties, which after release should provide a deterrent to recidivism.”*³

If people with an intact family recidivate less, it is in the state’s interest to help struggling families to stay together. Instead of viewing the family as one more problem that correctional officials must deal with, it may be beneficial to attempt to recognize the role that the family can play in the prisoner’s rehabilitation.

E. Children Are Affected by Incarceration

While separation from a parent can be difficult for a child under any circumstances, losing a parent to incarceration can be especially problematic. Forty-five percent of the inmates in Florida report having one or more minor children. This amounts to a total of almost 60,000 children currently experiencing the loss of a parent to incarceration. Fifty-one percent of these children are age eight or under.⁴

Almost 60,000 children have at least one parent incarcerated in a Florida prison.

If the correctional population continues to grow, the arrest and incarceration of a parent may become a common childhood experience for an unprecedented number of children.

Exhibit 3

CHILDREN WITH INCARCERATED PARENTS IN FLORIDA		
Age	Number of Children	Percentage of Children
0-6	21,637	36%
7-12	21,944	36%
13-18	13,288	28%
TOTAL	59,982	100%

Source: Florida Department of Corrections

³ Rule 33-5.006(7), F.A.C.

⁴ According to the department, as of June 30, 1998, there were 66,275 active inmates. Forty-five percent of these inmates, or 30,073 reported have one or more minor children. The total number of dependent children reported by inmates was 59,982. See Appendix 4.

Not only do children suffer the burdens of incarceration along with the rest of the family, but the removal of the inmate family member may even place children at a greater risk of someday becoming involved in the criminal justice system themselves. Parental criminality has long been viewed by child advocates as a risk factor for crime, making children of offenders a high risk group. Although no empirical data exists specific to Florida, research by the Bureau of Justice Statistics has shown 37% of inmates report having an immediate family member who has been incarcerated.⁵ Moreover, in a study of juvenile offenders performed by the American Correctional Association, it was found that 50% of juvenile offenders have had at least one parent incarcerated.⁶ One study estimated that children with incarcerated parents may be almost six times more likely to become incarcerated themselves.⁷

In addition to the issue of intergenerational crime, children are also impacted when the offender returns to the household upon release. Seventy percent of the families surveyed said that the inmate would live with his or her children upon release. Therefore, in addition to the importance of not completely removing the offender from the child's life, it is also important to attempt to insure that, upon return to the community, the offender has the skills conducive to positive family living.

⁵ Bureau of Justice Statistics, 1991 Survey of State Prison Inmates, March 1993, NCJ-136949.

⁶ The American Correctional Associations' Task Force on the Female Offender.

⁷ *Keeping Incarcerated Mothers and Their Daughters Together*, National Institute of Justice, citing S. Barnhill and P. Dressell, *Three Generations At Risk, Atlanta, Georgia: Aid to Imprisoned Mothers*, (1991).

IV. HOW DOES FAMILY CONTACT POSE SECURITY RISKS?

Although the importance of maintaining an inmate's contact with family has been widely recognized, the inevitable nature of the correctional setting requires that even such meaningful concerns be balanced against important security interests. Although beneficial to an inmate's rehabilitation, contacts with family and friends necessarily involve a link with the outside world, and therefore must be regulated to some extent. Contacts through mail and visits can offer an opportunity to introduce contraband into the institution, while contacts over the telephone can offer both a means of communicating escape plans and a means to harass or defraud people on the outside.

Mail and visits offer an opportunity for the introduction of contraband into the institution. The telephone may be used to communicate escape plans or harass or defraud people on the outside.

A. Family Contact Creates Opportunities for the Introduction of Contraband

1. What Is Contraband?

In a correctional setting, otherwise legal and harmless objects can be disruptive, or even become dangerous weapons. For example, an average pair of athletic shoes contains a metal arch support that reinforces the firmness of the footwear. Although seemingly harmless in the free world, this metal arch can be removed by an inmate and sharpened into a homemade knife, creating a risk to the safety of correctional officers, other inmates and the general public. Because many objects can be similarly manipulated, correctional systems closely monitor and restrict the property that inmates may receive or maintain.

In Florida, the property rules have recently been modified so that inmates may not possess any item unless it has been:

- C issued by the department;
- C purchased in the canteen; or
- C received through approved methods from an authorized vendor.

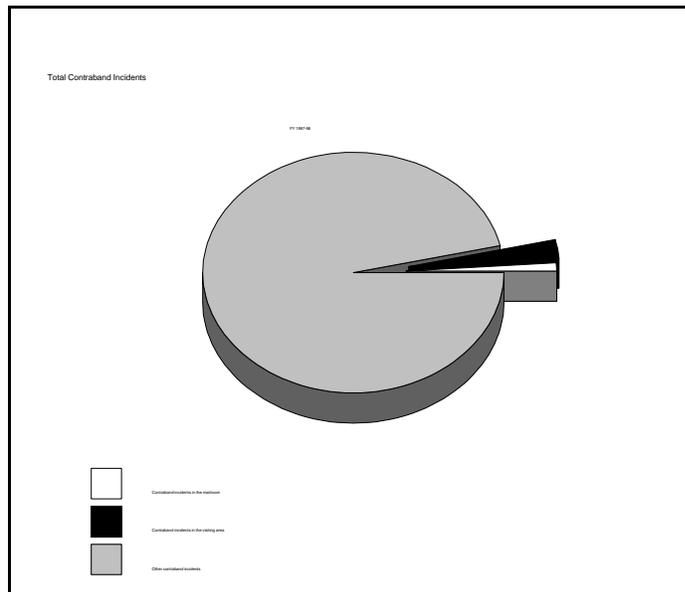
Previously, inmates could receive certain items, such as clothing, or other personal items, in packages from family and friends through the mail. However, inmates were required to dispose of any property that did not fit the new restrictions by January 1, 1998, by either mailing home, donating, or discarding the items.¹

¹ See Rule 33-3.0025, F.A.C. Inmates in possession of certain exempted items were allowed to retain the items until no longer serviceable, but would not be allowed to replace them. The exempt items were clothing of a different color than required, locks other than V68 series, plastic bowls, tumblers cups and lids, pantyhose, and nail clippers larger than 3-1/2".

2. How Big Is the Contraband Problem?

To some extent, problems with contraband are perceived to originate with visitors. Introduction of contraband was the second most common problem listed by correctional officers who work in the visiting area. Forty-six percent of these officers believed that most contraband comes from visitors.² According to the department, 3,599 incidents of contraband were reported statewide in FY 1997-98. However, only 4% of these incidents were directly attributable to families and friends, as 3% occurred in the visiting area, and 1% occurred in the mail. The contraband incidents attributable to the visiting area and the mailroom may be underreported because the numbers only reflect incidents in which officers actually discovered the contraband. Therefore, it is possible that family and friends have a greater responsibility in the introduction of contraband than these numbers reflect. However, it is also possible that family and friends are actually only a small factor in the overall contraband problem.

Exhibit 4



a. Contraband Incidents in the Mail

Although institutional staff open and check all routine inmate mail, attempts are occasionally made to introduce contraband through posted letters. In FY 1997-98, there was a total of 44 reported instances of contraband discovered in the mail. This amounted to 1.2% of the total contraband incidents statewide. The type of contraband most often discovered in the mailroom was drugs,

² However, a majority (54%) of the officers did not necessarily view visitors as the primary source of contraband, suggesting that contraband is as or more likely to come from outside work squads, staff, and vehicles entering through the sally port gates of the institution.

specifically marijuana. There were only two discoveries statewide of weapons being introduced through the mail in FY 1997-98.

Exhibit 5

CONTRABAND DISCOVERED IN FLORIDA PRISON MAILROOMS			
	FY 1995-96	FY 1996-97	FY 1997-98
Drugs/Intoxicants	24	49	39
Cash	2	5	3
Weapons	3	5	2
Escape Paraphernalia	3	0	0
TOTAL:	32	59	44

Source: Florida Department of Corrections Bureau of Inspections & Investigations (August, 1998); Florida Correctional Privatization Commission (August 1998).

b. Contraband Incidents in the Visiting Area

Contraband associated with visiting may be discovered:

- C while searching the inmate or visitor prior to entering the visiting area;
- C while searching the inmate or visitor after leaving the visiting area;
- C through use of a contraband interdiction exercise applied by the department periodically to all persons (visitors and staff) entering the institution;
- C while searching the areas in and around the visiting area, including the restrooms, after visiting hours are over; and,
- C while searching the immediate areas in and around the outside visiting area and parking lot.

In FY 1997-98, there were 92 contraband incidents attributed to visiting. This amounts to 2.5% of the total incidents of contraband reported statewide. The two most common incidents in the visiting area were possession and receipt of both marijuana and cash. Contraband problems have been used to justify many restrictions in visiting, including the elimination of joint worship services, and prohibitions on children bringing coloring books to keep them occupied during visiting hours. In recent years, many institutions have modified institutional operating procedures to tightly restrict what may be brought into the visiting area.

Exhibit 6

CONTRABAND REPORTED IN FLORIDA PRISON VISITING AREAS			
	FY 1995-96	FY 1996-97	FY 1997-98
Drugs/Intoxicants	58	50	53
Cash	38	32	24
Weapons	13	17	15
Escape Paraphernalia	2	1	3
TOTAL:	105	99	92

Source: Florida Department of Corrections Bureau of Inspections & Investigations (August 1998);
Florida Correctional Privatization Commission (August 1998).

B. Telephone Contact Creates Security Risks

Although not related to contraband, access to telephones can also create security issues. First, absent restrictions, inmates could use telephones to implement phone scams or make harassing phone calls. More important, telephone discussions can be an integral part of implementing an escape plan.

In 1995, the Legislature began to require the department to randomly monitor inmates' outgoing phone calls in reaction to an earlier escape of six murderers from Glades Correctional Institution. In a report following an investigation of the escape, the Florida Department of Law Enforcement criticized the institution for having severely inadequate security, and specifically recommended that correctional institutions begin to monitor and record inmate phone calls. By April 1997, the department had implemented the phone system currently in operation. This telephone monitoring system:

- C only allows inmates to call previously approved telephone numbers;
- C can detect attempts to establish three-way calls or call forwarding;
- C can place a time limit on inmate calls;
- C can record inmate calls; and
- C can make a record of the numbers inmates called.

V. FAMILIES MAINTAIN CONTACT WITH TELEPHONE CALLS

One of the simplest ways to keep in touch with a family member in prison is by using the telephone. Sixty-eight percent of the family members surveyed report that they receive a call from the inmate at least once a week.

A. Rules for Using Telephones

In the correctional phone system, each institution provides inmates access to a number of telephones on which calls may be made to pre-approved numbers outside the institution. There is a total of 1,224 telephones for inmate use statewide. This allows for an average of one telephone for every 48 inmates,

Inmates may not receive incoming telephone calls, and all outgoing calls must be made collect.

although institutions range from providing one for every 19 inmates, to one for every 158 inmates.¹ Phones are usually located in common areas, such as in dormitories, day areas and recreation yards, and inmates line up or sign up for a turn to place a call. Family members surveyed have reported that these locations for the telephone can be an impediment to communication, as such central areas are often quite noisy, making it difficult for family members to talk and listen, and generally restricting the quality and content of the phone conversation.

Inmates may not receive incoming telephone calls, and all outgoing calls must be made collect. Superintendents are authorized to use their discretion to award telephones privileges in excess of those provided for by the rules of the department. The specific procedures for making telephone calls are for the most part determined by individual superintendents. Typically, inmates have access to the phones during their off duty hours, often from 5:00 P.M. - 10:00 P.M. on weekdays, and from 8:00 A.M. - 10:00 P.M. on weekends and holidays.²

1. Inmates Must Develop Approved Calling Lists

In the interest of public safety and internal security, inmates may only call numbers that are on the inmate's approved calling list. When inmates arrive at a permanent institution, they may submit a list of up to ten names and numbers that they would like to be able to telephone. The list is compiled by institutional staff and may be updated at six month intervals throughout incarceration. The department reports that, by allowing inmates to call only approved numbers, the opportunities to engage in telephone scams or make other types of unwanted calls are immensely reduced.

Surveyed family members have stated that the requirement to approve the call recipients in advance can

¹ In addition to complaints about limited access, family members visiting a particular Florida institution, Dade C.I., noted that telephones are frequently out of order, often for long periods of time. This may be attributable to summer electrical storms, but hinder communication nonetheless.

² However, inmates who are in administrative or disciplinary confinement, are not normally allowed to use the telephone except in cases of emergency or for legal access when alternative means of access are not feasible.

delay and prevent calls to family members, even for a period of up to several months, especially if a family member moves or changes telephone numbers. Furthermore, because the list is limited to ten numbers, it is reportedly difficult to contact family members who are not on the approved list when there are difficult times because by the time the new number is approved, the problem is typically over. Finally, some family members have reported that the ten number limit is overly restrictive, especially when an inmate has a large number of immediate family members.

The department reports that by allowing inmates to call only approved numbers, the opportunities to engage in telephone scams or make other types of unwanted calls are immensely reduced.

2. Procedures for Placing Inmate Calls

In order to place a call, the inmate first dials his or her personal identification number (PIN), then the number being called. If the telephone number dialed matches an approved number for the inmate's PIN number, the telephone system will connect the call. When the call is answered, a pre-recorded message identifies the call as originating from a correctional institution, notifying the call recipient that the call may be monitored. For example, long distance calls placed through MCI begin with the following narrative:

“You have a call from _____, an inmate at a correctional facility. This call may be monitored and recorded at any time. This is a long distance call. The charge will not exceed three dollars and four zero cents for the first minute and four zero cents for each additional minute. If you will pay, dial three now.”³

3. Inmates Calls Have Time Limits

Although the rules of the department simply limit calls to “a reasonable amount of time necessary to accomplish the purpose of the call,” the telephone systems automatically restrict calls to ten minutes, and many institutions prohibit inmates from making more than one call a day. As the time limit approaches, the inmate caller is warned twice electronically, before the call terminates. These length of call limits are intended to insure that every inmate has the opportunity to use the phone. However, survey respondents have stated that a ten minute limit makes it difficult for the inmate to talk to all family members, especially children.

4. Inmates May Make Calls in a Family Crisis

Inmates are also authorized to place calls in times of family crisis, including death or serious illness in the immediate family or serious marital or other family problems. All such calls must be approved by the chaplain or other official designated by the superintendent who is responsible for verifying the existence of a crisis, if possible.

³ According to the department, the ten minute time limit does not begin until the call is accepted.

B. Costs of Telephone Calls

One of the most frequent complaints from family members is that the cost of accepting calls from the inmate is burdensome. The family members surveyed reported spending an average amount of \$69.19 per month accepting phone calls. The interaction of several factors has resulted in exceedingly expensive calls. First, inmates may only make collect calls. Furthermore, parties accepting those calls have no opportunity to “shop around” for the service provider with the lowest rates. Finally, the department receives a sizeable commission from the telephone charges paid by families.

1. Inmates May Only Call Collect

In Florida, inmates may only make collect calls. It is true that, for inmates with limited cash resources available, a collect calling system may actually encourage contact by providing inmates with a great degree of access to telephone services. The policy of collect calling is, in fact, endorsed by the American Correctional Association.⁴ However, although a collect call system may make telephones more accessible to inmates, it increases the financial burden placed on families, as collect calling is one of the most expensive methods of placing a call.

a. Collect Calling Rates in Florida

The rates that telephone companies can charge for service provided in Florida is regulated by the Public Service Commission (PSC). Exhibit 7 compares the current regulated rate caps with the rates contracted for by the department. Those rates are similar to the rates that would be charged to a person making a collect call on a public pay phone in the free world if the caller did not take advantage of the ability to choose a service provider.

Exhibit 7

INMATE TELEPHONE CALLING RATES			
	Regulated Rate Caps	MCI Contract Rate	Sprint Contract Rate
Type of Call			
Local	No Rate Cap	\$.12 -.28	\$.12 -.28
Intrastate Long Distance	\$.26	\$.12 -.28	\$.12 -.28
Interstate Long Distance	\$.40	\$.40	\$.40
Surcharges			
Local	\$1.25	\$1.50	\$1.25
Intrastate Long Distance	\$2.45 - 3.95	\$1.75	\$2.25
Interstate Long Distance	\$3.00	\$3.00	\$3.00

Source: Florida Public Service Commission, October, 1998

* According to the Public Service Commission, the maximum telephone rates allowed are frequently adjusted throughout the year in accordance with tariff rates. The most recent adjustments in rates were made on May 1 and September 2, 1998. At the time of this printing, neither MCI nor Sprint had modified their rates to comply with these changes. MCI's last adjustment was effective March 5, 1998 and Sprint's was effective September 15, 1997.

⁴ Comment to ACA accreditation standard 3-4439: "All long-distance calls should be made collect."

b. Other Problems With Collect Calls

In addition to the higher expense involved, a collect calling system places the burden of budgeting for phone calls on the family members, rather than requiring the inmate to accept responsibility for determining when calls are affordable. The person being called bears the burden of rejecting the call, or even removing themselves from the approved calling list, when the expense won't fit in the family budget. Several family members surveyed stated that, although they wanted to continue to maintain contact with the inmate, they were forced to remove their names from the inmate's approved calling list because they simply could not afford to accept the calls. One mother described the guilt experienced in having to tell her son he could not call her whenever he needed simply because she could not afford the bill.

A collect calling system places the burden of budgeting for phone calls on the family members, rather than requiring the inmate to accept responsibility for determining when calls are affordable.

c. Alternatives to Collect Calling Systems

Although the overwhelming majority of states require inmates to make only collect calls, some alternatives to these systems have been suggested and even implemented in a small number of states or private facilities. Several of these alternatives are described in Exhibit 8.

2. Billed Parties Cannot Choose A Service Provider

In addition to the higher rates attributable to collect calls, calls from correctional institutions are also expensive because neither inmates nor the parties being called are allowed to comparatively shop for the lowest cost telephone service provider. In the correctional phone system, phone companies contract directly with the department to provide telephone services to an entire institution. Therefore, unlike pay phones on the outside, prison pay phones divert all calls to one single phone company, giving callers no opportunity to choose a carrier, and providing the paying party with no voice in determining which provider is used.

Although it may make it harder for families to keep telephone costs down, having a single telephone provider per institution makes it easier for the department to contract out for the provision of telephone

Although it may make it harder for families to keep telephone costs down, having a single telephone provider per institution makes it easier for the department to contract out for the provision of telephone security services. Under the current contracts, the telephone company is responsible not only for connecting the inmate collect calls, but also for providing telephone security services, such as maintaining the list of ten numbers each inmate is allowed to call and also recording and monitoring all calls made.

Exhibit 8

ALTERNATIVES TO COLLECT TELEPHONE CALLING SYSTEMS			
Alternative Systems	Description	Advantages	Disadvantages
Coin Calls	Low custody inmates are authorized to pay for calls with coins.	Inmate is responsible for budgeting and paying for the call. Calls need not be placed at the collect call rates, which are higher.	Cash becomes a source of contraband and a security threat.
1-800 Number	Families obtain 1-800 numbers from their choice of long distance providers. Inmates are permitted to call the specified 1-800 number.	Paying party is able to choose the telephone service provider, increasing the likelihood of a less expensive call for the call recipient. Does not create the contraband problem of a cash substitute.	Subject to fraudulent use. Inhibits department's ability to contract for centralized security services. Reduces revenues raised through commissions.
Pre-Paid Calling Cards	Calling cards are purchased by the inmate in the institutional canteen.	Inmate is responsible for budgeting and shares responsibility for paying for the call. Allows for gifts from families. Can be purchased through canteens.	Cards become a cash substitute and therefore a source of contraband, creating opportunity for theft, barter and intimidation.
Debit Calling	Inmate calls party directly and inmate's general institutional account is billed.	Inmate is responsible for budgeting and shares responsibility for paying for the call. Allows for gifts from families. Does not create cash substitute.	Increases workload for maintenance of two inmate cashless accounts.

Source: Telephone survey conducted by committee staff from July to September 1998

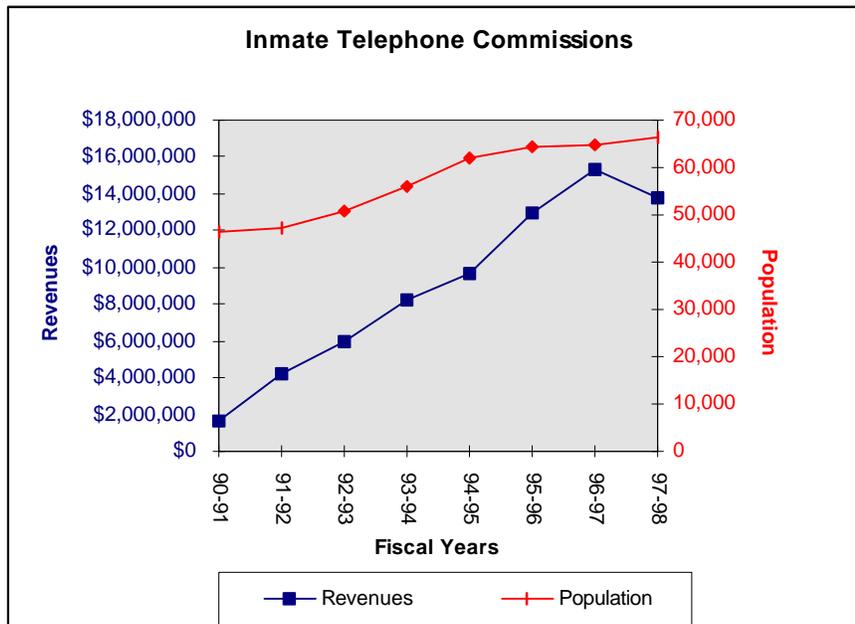
3. The Department Receives Commissions From Telephone Contracts

As prison populations increase, competition to provide phone services to institutions is strong, as such contracts give companies exclusive access to the captive inmate market. Providing collect telephone service to inmates is lucrative enough that private companies are able to offer the department commission packages and such commission packages may at times be the primary source of competition, rather than rates.⁵ At this time, the department contracts with Sprint and MCI to provide

⁵ In 1996, the department issued an invitation to bid for telephone services which stated, in part, "The contract shall be awarded to the responsive bidder who provides the highest commission rate." See ITB #96-DC-7032, section 2.2.

service to the major institutions.⁶ The department is receiving a 57.5% commission on its contract with Sprint, and a 50% commission on the contract with MCI. As a result, the department earned more than \$13 million in telephone commissions in FY-1997-98. Exhibit 9 compares the increase in prison populations with the increase in commission revenues over the last eight years.

Exhibit 9



By law, the revenues from telephone commissions must be deposited into the Inmate Welfare Trust Fund (IWTF) as directed in §945.215. The law requires that the Legislature appropriate all expenditures from the trust fund annually. The law also limits the use of the fund to include only education programs, libraries, chapels, visiting pavilions, inmate clubs, inmate legal services, substance abuse treatment and life skills training programs. Education programming must account for at least 50% of the total annual expenditures.

Prior to 1994, the Legislature permitted the department sole discretion in spending IWTF revenues and prior to 1994 the only legislative mandate was that the fund be used for the “benefit, education and general welfare of the inmates.” However, in 1994 the Florida Senate Committee on Corrections, Probation and Parole published an interim report entitled “An Examination of Inmate Benefits and the Inmate Welfare Trust Fund” which revealed that the majority of the funds spent by the department were spent for recreation and entertainment and not for the education purpose stated in the law. The policy

⁶ See Appendix 5 for a map of contract providers.

debate and several pieces of legislation prompted from this Senate interim project eventually led to major legislative changes, including the discontinuation of funding of recreation programs and greater legislative oversight of the fund.

Below is a recent chronology of legislative changes to the Inmate Welfare Trust Fund:

Exhibit 10

CHRONOLOGY OF LEGISLATIVE CHANGES TO THE STATUTE GOVERNING THE INMATE WELFARE TRUST FUND	
Chapter 94-273, Laws of Florida	<ul style="list-style-type: none"> < required monies to be annually appropriated and required reports to Legislature < limited uses to education, chapels, libraries, visiting pavilions, inmate clubs, legal service < mandated that education receive at least 50% of the IWTF expenditures < prohibited cable and televisions from being purchased < omitted recreation as an expenditure category
Chapter 96-312, Laws of Florida	<ul style="list-style-type: none"> < required the reports to the Legislature to include a “verification of telephone commissions” < expanded the use of the fund to include substance abuse treatment and transition and life skills programming < required the department to develop administrative procedures to verify that the contracted telephone commissions are being received and that persons who have accepted the calls from inmates are being charged the contracted rate < required items for resale at canteen and vending machines be at fair market prices
Chapter 97-78, Laws of Florida	<ul style="list-style-type: none"> < clarified that private vendors operating private correctional facilities shall fund through the inmate welfare trust fund an adequate number of chaplains and support staff to operate chaplaincy programs
Chapter 98-388, Laws of Florida	<ul style="list-style-type: none"> < created a separate trust fund, the Privately Operated Institution Inmate Welfare Trust Fund, for receipts from the private facilities from telephone commissions and canteen proceeds

In 1994, at the request of the Legislature, the Office of Program Policy Analysis & Government Accountability (OPPAGA) published a performance audit of the Inmate Welfare Trust Fund (Report # 94-21) which found, among other things, that the department did not have procedures to verify the accuracy of telephone commissions received by the department and was not using the funds in a manner consistent with telephone commission purposes. OPPAGA recommended to the 1995 Legislature that verification procedures be established. As shown in the chronology above, the Legislature followed the OPPAGA recommendation and required in law that administrative procedures be established. In a 1997 follow-up report (Report # 96-46), OPPAGA reported that the department has taken action to verify telephone commission receipts but that the department had not discontinued funding positions from telephone commissions that were not directly related to inmate welfare. According to the department, such funding was subsequently discontinued by 1998.

C. Problems With Telephone Service Providers:

In addition to the burdens inherent in a collect calling system, telephone service providers have created other problems for families.

1. Telephone Service Providers Have Overcharged.

In 1991, the Public Service Commission found that Peoples Telephone Company (PTC), a phone company under contract with the department, had overcharged inmate family customers and failed to pay the department the proper commissions. The department terminated the contract, and PTC agreed to a settlement which included requirements that PTC would, among other things, pay the department unpaid commissions and refund customers overcharges in the amount of \$653,000.

Exhibit 11

DOCUMENTED CASES OF OVERCHARGING INMATE FAMILY CUSTOMERS FOUND BY THE PUBLIC SERVICE COMMISSION			
Year	Company	Fine	Other Action
1991	Peoples Telephone	\$100,000	Refund \$653,000
1993	North American Intelcom	\$25,000	Refund \$414,000
1996	MCI	None (\$10,000 contribution)	Refund \$1,707,412

Source: Report by the Public Service Commission, Attachment C to staff's recommendation to the Commission (September 1996). Docket number 960617-TI.

In the years since 1991, problems with telephone service providers have continued, and other companies have been reprimanded for similar overcharging. Exhibit 11 shows the cases of overcharging which have been documented to date.⁷ In an attempt to address these problems, the department currently requires semi-annual audits by an independent auditing firm, and the provision of call detail reports. Call detail reports are analyzed monthly and may be used, among other things, to monitor the rates of contract providers, the provision of commissions to the department, and to verify excess or duplicate charges to customers.

2. Telephone Service Providers Have Blocked Lines

Several phone companies have also been investigated by the Public Service Commission for policies requiring that lines be blocked from receiving incoming collect calls after accepting more than \$50 of calls in a 30 day period. Such blocks were implemented regardless of whether customers were in good standing with the company and had paid their bills on time, based on a reportedly high incidence of unpaid bills for collect calls from confinement facilities.

According to the Public Service Commission, these blocks were duplicative since carriers already rely

⁷ Exhibit 11 illustrates only the telephone service providers at state institutions that have been found to have overcharged inmate family customers. However, four additional companies operating under contracts with local jails have also been reprimanded for overcharging, resulting in fines of more than \$450,000 and refunds of more than \$750,000.

on local telephone companies which handle customer billing to disconnect service for failure to pay. Furthermore, the rules of the commission do not allow blocking, stating that:

[w]here only one interexchange carrier is available in a confinement facility, that interexchange carrier shall provide for completion of *all* inmate calls *allowed by the confinement facility*.⁸
(emphasis added)

D. Telephone Systems in Other States

Florida is not the only state receiving a sizeable commission from contracts with inmate telephone service providers. In fact, 11 of the 12 states with the largest correctional populations receive a commission from telephone contracts, ranging from 18% - 60%. Only one of these 12 states, Texas, reported receiving no commission money, predominantly because inmates in Texas may only make one call every 90 days. Exhibit 12 reflects the commission for the inmate telephone systems in the 12 largest states.

⁸ Rule 25-24.471(4)(c), Florida Administrative Code, ORDER NO. PSC-98-1161-FOF-TP: In re: Review of InVision ISSUED: August 25, 1998

Exhibit 12

TELEPHONE CONTRACTS AND COMMISSIONS			
State / Inmate Population	Telephone Provider	Commission Rate	DOC Profits FY 97-98
Texas Pop: 129,661	SW Bell	Not Applicable	
	AT&T		
California Pop: 124,813	MCI	43%	\$15 million
	GTE	33%	
New York Pop: 69,529	MCI	60%	\$20-21 million
	Bell Atlantic	60%	
Florida Pop: 65,117	MCI	50%	\$13.8 million
	Sprint	57.5%	
Ohio Pop: 47,166	MCI	35%	\$14.1 million
	Shawntech	35%	
Michigan Pop: 41,625	Sprint	34%	\$10.3 million (3 quarters only)
	Ameritec	30%	
	GTE (local)	18%	
Illinois Pop: 40,686	Consolidated	50%	\$12-16 million
	AT&T	50%	
	Ameritec	50%	
Georgia Pop: 36,753	Sprint	37%	\$10-12 million
	Bell South	46%	
Pennsylvania Pop: 34,696	Tenetics	50%	\$3 million
	Bell-Atlantic	50%	
	AT&T	50%	
	GTE	30%	
N. Carolina Pop: 31,312	Taltons	46%	\$7 million (projection)
Virginia Pop: 24,629	MCI	39%	\$10.4 million
Missouri Pop: 23,850	MCI	55%	\$ 9-11 million
	Eagle Com.	25%	
	SW Bell	25%	

Source: Telephone survey conducted by committee staff from July to September, 1998

VI. FAMILIES MAINTAIN CONTACT WITH LETTERS AND PACKAGES

One of the most affordable methods of keeping in touch with incarcerated family members is through the mail. In Florida, 45% of the families surveyed said they wrote the inmate at least once a week, while 52% reported receiving mail from the inmate at least once a week.

A. Procedures for Sending and Receiving Mail

In sending mail, inmates are not required to adhere to pre-approved mailing lists and may send and receive mail from any person they wish, except as otherwise restricted by rule. All incoming and outgoing routine mail is processed through the institution's mail room, where it may be opened, examined and read by a designated employee. Mail will not be sent out or delivered to the inmate if it is obscene, concerns plans to violate the law, threatens physical harm or extortion, or otherwise endangers the correctional system. If properly addressed and in compliance with the rules, the mail is to be delivered within 24 hours excluding weekends and holidays.

“It would be helpful if information regarding mail procedures and regarding what is considered contraband were more readily available, as such information differs by institution.”
-- Surveyed family member

Family members have commented that it would be helpful if information regarding mail procedures and regarding what is considered contraband in the mail were more readily available, as such information differs by institution. Family members have reported that items as innocuous as drawings from the inmate's children or stamped self-addressed envelopes have been returned undeliverable because they are considered contraband.

B. Mail Contact Requires Writing Materials

Although writing letters may be the most cost effective means of keeping in touch during incarceration, certain materials, although minimal, are required, such as stamps, envelopes and paper. The department does not generally provide inmates with free writing materials for routine mail. Inmates may acquire writing materials in three ways:

“One of the positive programs offered by the department is allowing family members to send writing materials to the inmate.”
-- Surveyed family member

1. Inmates who can afford to do so may purchase stamps and other writing supplies in the institutional canteen.

2. Families may send stamps, envelopes and writing paper to the inmate in the mail.¹ (Families reported spending an average of \$12 a month on stamps for the inmate.)
3. Inmates who are indigent may send one letter every month for free.² Some institutions require the inmate to request the free postage and writing materials, while others have established a specific day of the month on which the free letters will be processed.

C. Mail Policies in Other States

In surveying the mail policies of the twelve states with the largest correctional populations, a trend of reducing the writing supplies available to inmates seemed to emerge. In seven of these states, inmates must either purchase all writing supplies at the canteen or receive them through an allowance for indigents. These policies can be harder on families because it requires them to insure the inmate account has enough funds for the purchase of writing materials rather than allowing such materials to be purchased at their convenience of family members. Moreover, Illinois recently eliminated their policy of providing free postage for all inmates.

Offering security as a justification, 7 of the 12 states with the largest prison systems prohibit family members from sending in writing supplies.

Some states have addressed postal contraband concerns while still expressing an awareness of the impact total prohibitions can have on family members. For example, Ohio has addressed the problem of contraband delivery on the backs of loose stamps by allowing families to send in prepaid envelopes, rather than enacting a complete prohibition on sending in writing supplies. California is considering developing a similar policy.

D. Families May Not Send Packages

Although no longer permitted, another method families have used in the past to maintain contact through the mail is by sending packages. This former policy allowed families to periodically send birthday and holiday presents or other care packages to inmates on special occasions.

Up until 1995, families were permitted to send packages to inmates through the mail.

1. History of Package Policy

¹ Inmates may receive up to twenty stamps in their routine mail, but may not possess more than twenty-five stamps at any one time. (Rule 33-3.004(12) F.A.C.)

² Inmates that do not have sufficient funds for mailing one first class letter a month are eligible for free postage and writing supplies.

Prior to 1995, packages for inmates were processed under a package permit system. A person wanting to send an inmate a package would first ask the inmate to request a package permit. Upon approval, a permit was mailed to the requesting party, who then attached the permit to the package prior to mailing. Inmates could receive up to four packages per year.

“Family members need to be able to send ‘care packages’ with religious materials, books, newspaper articles and family photos, especially on birthdays and holidays. It is much less costly and keeps the family bond.”

-- Family member surveyed

Prior to delivery to the inmate, all packages were opened and inspected by mailroom staff. Package contents were restricted as to weight, value and number. Furthermore, packages could not contain any smoking tobacco, cigarettes, cigars, or alcohol, or include anything that could be purchased in the canteen.

2. Current Package Policy

In 1995, the department prohibited families from sending packages into the institutions. According to the department, the incidences of contraband entering the prisons had escalated to the point of posing a security threat.³ This modification was followed in 1997 by strict restrictions on the amount and type of personal property and clothing inmates may receive and keep.⁴

As a result, the only items that families may purchase for inmates are magazine subscriptions or books - each of which may only be mailed directly from a publisher. Families may not send such publications directly from home.

Items that the family once sent in “care packages” from home must now be purchased by the inmate through the canteen.

The primary impact of the rule is that families now must provide the inmate with money to buy personal items in the canteen, rather than purchase the items personally on the outside. Many survey respondents complained about the compounded burden experienced as a result of the elimination of both packages and personal property. For example, items purchased in the canteen, although sold at market price, are often more expensive than what a family member might be able to find on sale. Specific complaints addressed the need to send: gifts at much cheaper cost; religious materials; books; photographs; newspaper articles and magazines. Furthermore, the ability to provide a personal gift for the inmate was an experience that many family members found beneficial and personally rewarding.

³ In FY 1994-95, 3,203 overall incidents of contraband were reported the Inspector General’s office. In FY 1997-98, 3,599 overall incidents of contraband were discovered.

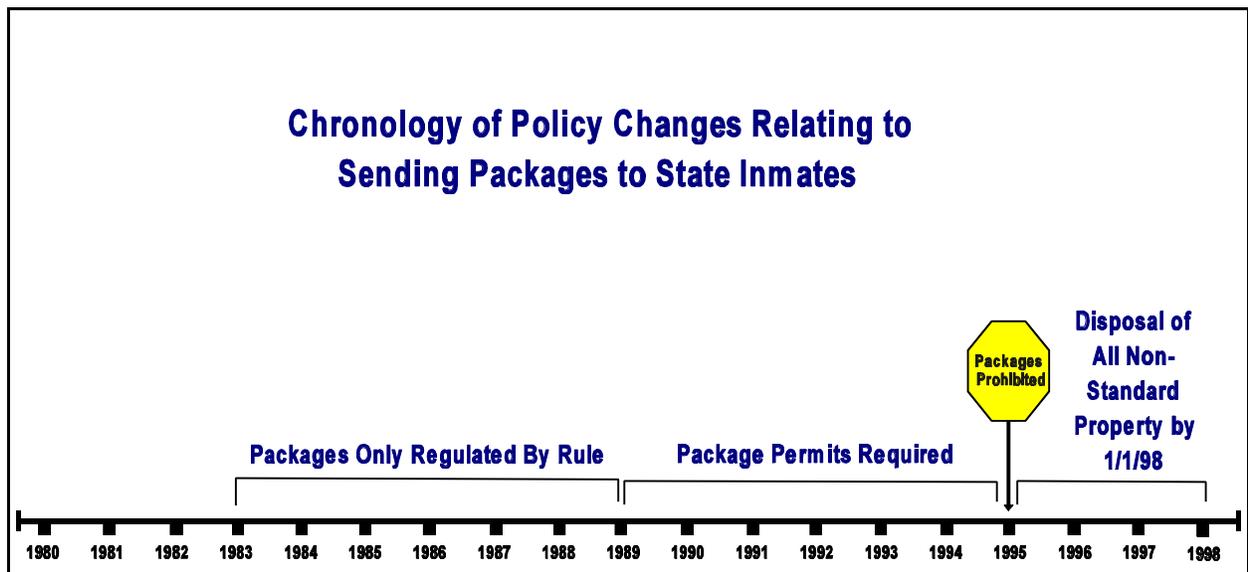
⁴ Currently, Rule 33-3.0025 provides a list of approved property. Any property not authorized is considered contraband. This includes any item or article on the grounds or in the possession of the inmate which was neither (1) issued; (2) received through approved methods from an authorized vendor; (3) purchased in the canteen; or (4) altered from its original design.

3. Package Policies in Other States

Four of the twelve states with the largest prison systems continue to allow families to mail packages directly to the inmate, although some restrictions apply. Furthermore, six states allow families to purchase items from a designated vendor approved by the department. These pre-approved packages are not limited to merely publications, but include other personal items.⁵

Although package policies are generally becoming more restrictive nationwide, Florida and Illinois are the only states in the top twelve to limit packages to publications that are mailed directly from the vendor.

Exhibit 13



Four states even still allow families to mail in packages directly, although there are restrictions. California is currently considering a system in which vendors would be recognized to sell care packages for inmates to family members. The packages would contain only property that was pre-approved by the department of corrections. This proposed system would allow family members to recognize inmates on special occasions, and to select the items personally, while also allowing institutions to control the types of property inmates receive. Exhibit 14 illustrates the package policies in the twelve states.

⁵ Illinois also allows families to send in typewriters.

Exhibit 14

DIFFERENT WAYS FAMILIES CAN PROVIDE POSTAGE AND PERSONAL ITEMS TO INMATES				
State	Free Postage For Indigents	Families May Purchase and Send in Postage	Families May Send Packages From Home	Families May Only Send Packages from Specified Vendors
Texas	Yes	No	No	No ⁶
California	Yes	Yes ⁷	Yes	!
New York	Yes	Yes	Yes	!
Florida	Yes	Yes	No	No ⁸
Ohio⁹	Yes	Yes	No	Yes
Michigan	Yes	No	No	Yes
Illinois	Yes	No	Yes	!
Georgia	Yes	No	Yes	!
Pennsylvania	Yes	No	No	Yes
North Carolina	Yes	No	No	Yes
Virginia	Yes	No	No	Yes
Missouri	legal mail only	Yes	No	Yes

Source: Survey conducted by committee staff via telephone from July to September, 1998

⁶ However, inmates may receive periodicals and newspapers directly from publishers.

⁷ Examining use of pre-paid envelopes.

⁸ However, inmates may receive periodicals and newspapers directly from publishers.

⁹ Families may send sundry boxes (limited in weight and contents once a quarter from pre-approved vendors).

VII. FAMILIES MAINTAIN CONTACT BY VISITING

A. Who May Visit an Inmate?

The department has the general authority to regulate who may visit an institution, unless otherwise restricted by statute.¹ The department monitors entry to institutions through the use of approved visiting lists.

“Inmates that don’t get visits are the ones who cause the most problems.”

-- Surveyed correctional officer

1. Visitors Must Be Approved

Upon initial commitment to the custody of the department, each inmate may submit a list of persons from whom the inmate wishes to receive visits. Initially, this list is limited to members of the inmate’s immediate family, including the inmate’s spouse, children, parents, brothers, sisters, grandparents and grandchildren. However, upon assignment to a permanent institution, the inmate is periodically given an opportunity to modify the visiting list by adding a limited number of visitors outside the immediate family.

After receiving the inmate’s proposed list, the classification specialist mails each prospective visitor a Visitor Information Form requesting personal data about the prospective visitor. (See Appendix 6) The prospective visitor must complete the form and undergo a background check. After considering the information submitted, the classification specialist advises the inmate in writing whether the visitor has been approved or denied. After receiving such notification, it is the inmate’s responsibility to inform the visitor of the approval. The entire approval process may last as long as several weeks.

2. Who May Not Be on the Approved Visiting List?

The rules of the department provide that visits may only be denied for reasons related to security, order and rehabilitative objectives. Following are examples of restrictions, found either in statute, rule, or institutional operating procedure, on who may be an approved visitor, although superintendents generally may make exceptions at their discretion:

- < **Employees of the department** may not visit inmates, unless the inmate is an immediate family member, and the employee does not work at the institution housing the inmate.
- < **Current volunteers** may not be on the visiting list at the facility where they volunteer.
- < **Former inmates or current probationers** may be considered for inclusion on an approved visiting list on a case by case basis, and may be approved if they:
 1. Have been released from incarceration for at least one year;
 2. Have no new felony arrests in that year; and,
 3. If on probation, are in compliance with the conditions of probation and have the approval of the probation officer.

¹ See §944.23, F.S.

- < **Felons** may be excluded from the list, after considering the nature and extent of the felon’s criminal record, and the date of the offenses, and weighing them against the value of the relationship to the inmate.
- < **Marital status**, either the inmate’s or the visitor’s, may affect a visitor’s approval as follows:
 - < An *unmarried inmate* may have one single non-immediate family member of the opposite sex on the approved visiting list;
 - < A *married inmate* may have one single, non-immediate family member of the opposite sex on the visiting list, if the inmate has a pending divorce or a separation of long duration is verified and the spouse is removed from the approved visiting list; and
 - < *All inmates* may have couples who are not in the inmate’s immediate family on the approved visiting list. But, the member of the couple who is of the opposite sex of the inmate may not visit without the spouse.²
- < **Conduct of the visitor** may affect the visitor’s approval when a visitor is considered to have a harmful effect on the inmate’s rehabilitation or are found to be threat to security. This includes, among other things, persons who have introduced contraband into any correctional facility, assisted in an escape, or in an escape attempt, committed serious or repeat violations of the rules during a previous visit, or given false information in order to get visiting privileges.
- < **Status of the inmate** may affect the approval of a visitor. Superintendents may restrict or prohibit inmates in special status from receiving visits. Special status includes inmates who are in the initial reception period, close management, the hospital, the infirmary, administrative or disciplinary confinement, or other situations when such restrictions are found to be necessary for the security or orderly operation of the institution. Family members have commented on the hardship involved in being unable to visit the inmate when hospitalized.
- < **Inmate’s offense** may affect who may be approved to visit. The Legislature has stated that inmates convicted of certain sexual offenses may not receive visits from minors, unless the superintendent approves a special visit based on the child’s best interests.³ The **Several correctional officers reported that the possibility of sex offenders interacting with children is a major problem in the visiting area.**

² Rule 33-5.006(8)(c), F.A.C. According to the department, this policy is intended to address the security risk posed when one spouse visits an inmate without the knowledge of the nonvisiting spouse. However, this policy can also have unintended consequences. For example, an inmate’s aunt would not be able to visit her incarcerated nephew without being accompanied by her husband, even if the aunt were, for example, the sister of the inmate’s mother. In these situations, a visitor would request a special visit from the superintendent.

³ §944.09(1)(n), F.S. The restriction applies to inmates with a current or prior conviction for any offense in chapter 794 (Battery), chapter 800 (Lewdness; Indecent Exposure), chapter 827 (Abuse of Children), or chapter 847 (Obscene Literature; Profanity) where a review of circumstances reveals inmate committed or attempted to commit aggravated child abuse or a sex act on, in the presence of, or against a child under the age of 16. The department has no record of the frequency with which superintendents have allowed such special visits. However, two wardens from private prisons reported having allowed a special visit in

sentencing judge has no authority to override the decision of the superintendent.⁴ Although sex offenders may not receive visits from minors, they may still be present in the visiting area when other inmates are being visited by minors. Several correctional officers reported that the possibility of sex offenders interacting with children is a major problem for correctional officers in the visiting area.⁵

3. There Are No Formal Procedures When Visits Are Denied

When a person is denied the opportunity to visit, the only line of recourse is to seek special approval from the superintendent. The superintendent must consider the situation and decide on a case by case basis whether the visitation should be allowed. If the superintendent denies visitation, no formal procedure exists for the visitor to appeal that decision.

B. When May Families Visit?

1. Families May Make Regular Visits

The rules of the department provide for regular visiting hours to occur six hours every week, on either Saturday or Sunday, but not both. Inmates may also receive regular visitors on three specially designated visiting days: July 4, Thanksgiving, and Christmas. Most institutions have visiting between the hours of 9:00 A.M. and 3:00 P.M. with registration ending no later than 2:00 P.M. However, some institutions begin as early as 8:00 A.M. Superintendents may authorize additional visiting days or hours when unusual circumstances exist or if security or safety concerns dictate otherwise. As a result, some institutions instead allow, for example, visiting on both Saturday and Sunday, but only every other weekend. The department has recently amended the rules to allow superintendents to reduce visiting hours back to one day every two weeks after documenting severely limited resources for visiting over a two month period.⁶

2. Families May Make Special Visits

At times, persons who are not on an inmate's approved visiting list may also be able to visit. Such special visits may be for any purpose approved at the institutional level.

the last year. Each used that discretion on only one occasion, one of which was in response to a request from a member of the Legislature.

⁴ Singletary v. Storey, Case No. 98-710 (5th DCA 1998); Singletary v. Benton, 693 So.2d 1119 (Fla. 4th DCA 1997); Singletary v. Bullard, 701 So.2d 590 (Fla. 5th DCA 1997); Singletary v. Carpenter, 705 So.2d 110 (2nd DCA 1998).

⁵ According to the department, there was only one reported incident of sexual molestation of a child in a visiting area in 1997. In a run of all sexual batteries and sex offenses from 1997 from the investigation data system, 112 sex offense/battery cases were reported, but only one involved a child in the visiting area. The inmate was not a sex offender.

⁶ Rule 33-5.008(2), F.A.C.

Although certain reasons for requesting a special visit occur frequently, all institutions do not recognize the same justifications. For example, some will consider allowing a special visit while a visitor is awaiting approval for the inmate's visiting list, while others specifically prohibit such visits. The following is a sample of justifications that are acceptable at some institutions:

Of the family members who have requested a special visit, 51% reported that their request was granted.

- C Visitor travels a long distance. The acceptable distance varies by institution, from 250 miles to at least 500 miles.
- C Visitor does not visit often enough to be included on the inmate's visiting list.
- C Visitor is currently under consideration for inclusion on the inmate's approved list.
- C Visitor's work schedule conflicts with visiting schedule.
- C Inmate is in the infirmary, or other type of special status.

C. Procedures and Conditions for Visiting

1. Visiting Information for Prospective Visitors

The rules of the department require each institution to develop visitor information sheets summarizing the basic visiting procedures and rules, and providing unique information about the local facility.⁷ The rules further require that this information sheet be "made available to the inmate within 24 hours after arrival at the facility" so that a copy may be included in correspondence from the inmate to prospective visitors. Additionally, the superintendent must post all policies regarding visitors at the entrance of the institution and in the visiting area and provide copies on request.

"I would have liked to have been sent information on visiting --- I never received anything except this survey in more than four years."

Surveyed family member

Institutions rely on inmates to send visitors the visiting rules. However, when an inmate fails to do this, it is the visitor who is adversely impacted, driving hours only to find out that it is the wrong visiting day or time.

It is generally the inmate's responsibility to ensure that visiting information is sent to prospective visitors. However, inmates may not always follow through with this. When an inmate fails to inform family members about the rules of the institution, it is the family members who are adversely impacted, driving hours only to find out that they have come on the wrong visiting day, or at the wrong time. A common complaint heard from family

⁷ Rule 33-5.008(1), F.A.C. Information to be included on the sheet includes the address, phone number, directions, information about local transportation, days and hours for visits, the dress code and identification required, items that are authorized in the visiting room, special rules for children, and information about special visits.

members was that they felt uninformed about the visiting procedures at different institutions. Sixteen respondents independently stated that advance information on visiting policies would be helpful. Even correctional officers remarked on the visitors' lack of understanding of the rules, and ten officers who work the visiting park independently recommended that the institution should provide every approved visitor with a copy of the institutional visiting policies. Fourteen officers listed visitor unfamiliarity with the rules as a major problem in the visiting area.

“Family members approved for visits should receive a copy of the visitation rules from the institution - this should not be left up to the inmate.”

-- Surveyed correctional officer

According to the survey, officers are being forced to turn visitors away daily - because they are wearing the wrong clothes, have arrived on the wrong visiting day, have not been approved to visit, or do not have appropriate identification. Officers even reported turning visitors away because the inmate they had arrived to visit had been transferred or was at an outside hospital.⁸ Therefore, it seems that visitors are not only unfamiliar with the visiting rules, but may at times even be unfamiliar with the status of their family member.

This confusion over the visiting rules is enhanced by what appears to be a lack of consistency in application. Many of the rules require officers to make a subjective interpretation, such as whether an outfit meets the dress code, or whether a certain article of personal property is allowed in the visiting area. Fifty-three percent of the officers surveyed believed visiting rules must be followed exactly as written regardless of the circumstances, while the remaining forty-seven percent felt that officers should use their best judgement and consider the situation in applying visiting rules. One officer reported disliking to work in the visiting area because it is run very differently from week to week, depending on which officer is in charge. Overzealous officers and inconsistent application of the rules were independently described as problematic by nine surveyed correctional officers.

Confusion over the visiting rules is enhanced by what appears to be a lack of consistency in application.

2. Traveling to the Institution

Every family visit begins with some sort of travel. For some families, the trip to the institution can be as short as 20-30 miles. For example, a woman living in Miami may have her son incarcerated in nearby Dade Correctional Institution. However, the department may move her son to Century Correctional Institution, for example, in the panhandle. This relocation would require the inmate's mother to drive 700 miles in order to visit. Even a trip from Orlando would be roughly 480 miles. Because visiting hours begin between 8:00 A.M. and 9:00 A.M., even a simple four hour trip would require family members to leave home by 4:00 A.M. in order to arrive at the institution on time.

⁸ For examples of the many reasons families are turned away, see Appendix 7.

“It is very difficult and stressful to drive to the prison and back in one day. I can not afford to stay over night and divide the trip into two days.”

-- Surveyed family member

A related issue is the family member’s ability to get to the visiting area at all. An ACA accreditation standard requires that information about transportation be provided to visitors by the institution. Furthermore, the standard requires that transportation between the institution and nearby public transit terminals should be facilitated by the institution. Finally, it encourages institutions to try to provide transportation for visitors, particularly when transportation costs are significant.

In accordance with this standard, the rules of the department require institutions to post a schedule of public transportation information in a place easily accessible to visitors and inmates. Such information should include cost of services, phone number and locations. On one site visit, staff located the posted information on the bulletin board in the visiting area. Three bus services were listed, however, none of the phone numbers offered were current.

3. Visitors Must Check-in for Visits

In order to insure compliance with institutional and department rules, all visitors must go through a registration procedure prior to entering the visiting area. Depending on the institution, and the specific visiting day, this can either be a somewhat swift process or require an extensive wait.

a. Waiting to Be Processed

As the hour approaches for the visiting area to open, visitors who have arrived early begin to line up for processing. These lines can be extremely long, especially at large institutions close to urban areas, and sometimes up to two hours is spent just waiting in line outside the institution. The most frequent complaint made by surveyed family members was that visitor check-in is too slow.

The most frequent complaint made by surveyed family members was that visitor check-in is too slow.

In addition to the visiting time that is lost, this time spent standing in line can be extremely uncomfortable as it is typically done in an area that is not designed for such waits. Having to wait outside in bad weather conditions was also a frequent complaint of family members. The outside waiting area may or

“Visitors, including elderly and handicapped visitors, must wait outside in all weather conditions with no shade, water or restroom facilities.”

may not have seating, or even shelter, as thirty percent of the institutions do not provide a covered waiting area. As a result, families, including children, elderly visitors and disabled visitors, are left to stand outside in the heat or rain, possibly for up to two hours. Twenty-five percent of the institutions do not even have restrooms available to the visitors in this waiting area.

Generally, although the visitors line up early, they are not checked in until visiting hours officially begin. However, in recognition of the visiting time lost during processing, at least 12 state institutions and two private facilities allow officers to begin registering visitors anywhere from 15 to 45 minutes before visiting begins, although inmates are not called until the official visiting hours begin.

b. Providing Identification

After waiting in line, visitors are processed through security. Each adult visitor must first present the registering officer with valid picture identification and name the inmate they will visit. Because the visiting registration system is not computerized, the officer must then look through cardboard boxes containing every inmate's approved visiting list in order to pull the list for the requested inmate.⁹ The officer then uses the identification to insure that the prospective visitor is listed on the inmate's approved visitor list.¹⁰ The officer also checks the inmate's approved list to determine whether the inmate's visiting rights are "restricted by statute," as a sex offender, prohibiting the inmate from receiving visits from minors. Upon approval, the visitor's hands are stamped in a location that changes daily. This stamp is verified under a black light at the conclusion of the visiting hours.

c. Meeting the Institutional Dress Code

During registration, officers also determine whether visitor attire is acceptable under the institutional dress code. Correctional officers reported that the most common reason for sending a visitor away was for improper clothing, including inappropriate shoes or lack of an undergarment. The rules of the department provide that visitors will not be admitted if "they are not appropriately clothed or are dressed in revealing attire," including miniskirts, see-through blouses, bra-less attire, tank tops, swimsuits, shorts, undershirts and other like attire. However, individual institutions are authorized to expand on this definition.

Because the institutional dress code varies by institution, and because the requirements may be applied differently by different officers, family members may be uninformed and confused regarding what is acceptable. For example, some institutions allow visitors to wear shorts, provided that they are not tightly fitted, while other institutions add that such shorts may not be shorter than two inches above the knee. At least seven institutions prohibit shorts entirely.

More important, if the inmate has not mailed the visitor a copy of the visiting procedures, the visitor may be completely unaware of the dress code, at least on the first visit. Some institutions address this problem by making smocks available to visitors who arrive dressed inappropriately. Visitors may also return to their vehicle to change clothes, although this may require the visitor to return to the end of the

⁹ The department is currently in the process of computerizing data relating to inmate visiting, including approved visiting lists and records of visits.

¹⁰ Generally, if a visitor can not produce acceptable identification, the officer notifies the shift supervisor, who may permit the visitor to enter if satisfied that the person is on the approved visiting list or otherwise has a legitimate reason to visit. On these occasions, a note is generally attached to the inmate's visiting card and the visitor is instructed to ensure that proper identification is brought on future visits.

processing line. Eighteen percent of the officers surveyed stated that dress code issues are one of the biggest problems in the visiting area.

Exhibit 15

EXAMPLES OF DRESS CODE RESTRICTIONS AT SOME INSTITUTIONS
No headgear (caps or scarfs)
No stylishly torn, unclean or frayed clothes
No white T-shirts worn as outer garments
No tight T-shirts
No culottes (although skorts are acceptable)
Nothing that is "emotionally enticing to the inmate"

Source: Institutional Operating Procedures

d. Restricting Items That May Be Brought Inside

During registration, visitors are also told what items may be brought into the visiting area. Section 944.47 F.S. prohibits the introduction of the following items into state correctional institutions, except through regular channels as authorized by the officer in charge:

- C written or recorded communications;
- C currency or coin;
- C articles of food or clothing;
- C intoxicating beverages;
- C controlled substances or other medicines; or
- C firearms or weapons of any kind.

The rules of the department further provide that visitors may not:

- C give cash or currency directly to any inmate; or
- C give any items of any description to an inmate, unless authorized by the officer in charge.

Individual institutions may provide additional restrictions on what visitors may bring into the visiting area, and such restrictions vary widely from institution to institution. For example, all institutions allow visitors to bring in cash for the canteen or vending machines, however the amount allowed may vary from \$10 to \$50. Some institutions allow visitors to bring in unopened tobacco products, while others require that tobacco products be bought in the canteen.

Ninety-three percent of correctional officers who work the visiting area feel that these restrictions

Ninety-three percent of correctional officers who work the visiting park feel that restrictions on what may be brought into the visiting park have made their institution more secure.

on what may be brought into the visiting area have made the institution more secure. However, the restrictions may also be appealing to officers because they have allowed officers to spend less time searching visitors and inventorying visitor property, freeing them up to do other duties or process visitors more quickly, possibly making their jobs easier. The officers surveyed listed the following restrictions as the most effective:

- C property restrictions;
- C toy restrictions;
- C food restrictions;
- C requiring tobacco products to be sealed;
- C requiring bags and purses to be clear; and
- C religious material restrictions.

Exhibit 16

EXAMPLES OF ITEMS PERMITTED AND PROHIBITED IN VISITING AREAS	
Items Permitted At Some Institutions	Items Prohibited At Some Institutions
Wallet	Newspapers, other printed material
Small purses	Purses
Baby bottle (from 1-4)	Toys, playing cards, games
Baby food	Gifts
Diapers (Some require hand held)	Personal pager or cellular phone
Baby blanket	Baby blanket
Baby carrier	Baby carrier or stroller
Clear baby bag	Diaper bag
Pen	
Medication - only nitroglycerin	

Source: Institutional Operating Procedures

e. Visitors Must Undergo a Search

After registration, but before entering the visitor area, visitors are generally searched. Visitors may be required to submit to a search of both their person and possessions as a condition of admittance to the visiting area. Visitors are not forced to undergo a search, but a refusal is grounds for denial of both the current visit and future visits.

i. Routine Pat-down Search

Generally, routine searches include:

- C A search, inside and outside, of any hand carried items;
- C A touching of the hair and scalp;
- C A visual inspection of ears, nose and mouth;
- C Removal and search inside shoes and gloves;
- C Removal of any outer wear worn over the first layer of exterior clothing;
- C A visual inspection and touching of the interior and exterior of outer wear, including pockets;
- C A visual inspection and touching of the first layer of exterior clothing over underwear;
- C A touching of the clothes worn next to the body, such as stockings and socks, using pressure; and
- C Use of metal detection devices.

Ninety-six percent of the family members surveyed reported being pat-searched every time they visit. During a routine pat-down search, a visitor may be subjected to touching in the crotch and/or genital area. Even though such searches are performed by an officer of the same sex, for the average visitor, a fifty year old mother, such contact can be both demeaning and humiliating, especially when officers may not be very sensitive to the delicacy of the situation.

ii. Strip Search

If an officer has specific factual reasons to suspect that a visitor is concealing contraband, and the suspicion can't be resolved with a less intrusive search, then a strip search may be conducted.

However, a shift supervisor must first approve the search after evaluating the grounds asserted to justify its necessity.

Furthermore, the visitor must sign a written consent to the strip search. If the visitor refuses to consent to a strip search, the visit may be denied. Strip searches must be performed by an officer of the same sex as the visitor. Only five percent of the survey respondents reported having been strip searched at a visit.

Ninety-six percent of family members surveyed report that they are pat-searched every time they visit, while only five percent report being strip searched.

iii. Body Cavity Search

Under the rules of the department, body cavity searches may never be authorized. If a strip search is insufficient to resolve suspicions about the visitor, then the visitor must be denied admission.

f. Visitors Enter the Visiting Area

After being searched, the visitors are then sent on to the visiting room, where they may wait while an officer notifies the inmate that a visitor is waiting. At this point, it reportedly may be anywhere from five minutes to more than an hour before the inmate arrives at the visiting area.

Upon notification, the inmate reports to the visiting shakedown officer outside the visiting area to be searched. This officer maintains a log on all inmates entering and departing the visiting area, including an itemized list of each inmate's personal property brought in. Upon termination of the visit, the inmate must return to the compound with no more and no fewer items than were initially declared. Reportedly, upon departure, inmates are almost always strip searched in order to insure that inmates return to the institution with nothing more than what was initially on the itemized list.

4. Conditions of the Visiting Area

Visiting pavilions are funded (staffed and operated) through the inmate welfare trust fund.¹¹

a. Physical Layout of the Visiting Area

Most institutions have both an inside and an outside visiting area. Inside, there are generally rows of tables and chairs in a room with concrete block walls and concrete floors without carpeting.¹² This inside room can be quite loud when full of inmates, children and visitors.

The rules of the department state that the visiting area should be "furnished informally whenever possible and should have small tables, chairs and other informal furnishings." Of the 54 institutions, four do not have tables in the visiting area. Furthermore, one out of every four institutions report that they do not have enough seating to accommodate the maximum capacity of visitors.

b. Physical Contact With the Inmate and Displays of Intimacy

Because contact visiting is generally allowed in Florida institutions, most visiting areas do not separate the inmate from the visitor with a partition.¹³ Inmates are allowed one embrace and kiss with the visitors at both the beginning and end of the visit. For the most part, additional physical contact is not permitted during the course of the visit. However, some institutions allow "discrete physical contact" or [REDACTED] hand-holding, provided such contact is within good taste. Open and gross lewdness or lap sitting are prohibited, although some institutions allow small children to sit on the laps of their parents. Thirty-three percent of the officers surveyed listed inappropriate contact as one of the major problems in the visiting area.

Thirty-three percent of the officers surveyed listed inappropriate contact as one of the major problems in the visiting

In spite of the general policy of allowing contact visitation, the department recently passed a rule

¹¹ §945.215, F.S.

¹² Ninety-two percent of the institutions have concrete block walls. Every institution has concrete floors.

¹³ Although most inmates may have contact visits, inmates who are classified as close management I or close management II may only have non-contact visits. Rule 33-38.003, F.A.C.

increasing an institution’s ability to place an inmate in non-contact visiting status in order to “maintain the security and order of the institution.”¹⁴ Inmates may now be placed in non-contact visiting status based on:

- C The past behavior of the inmate and visitors during visitation;
- C The inmate’s history or drugs, contraband, violence, and rule violations during visiting;
- C Evidence that the inmate possessed, sold, or transferred drugs or alcohol;
- C The inmate’s confirmed membership in a certified security threat group; or
- C A positive urine test result for drugs or alcohol.

Aside from the necessarily restrictive setting, non-contact visits are also limited to only two hours. Five correctional officers who work the visiting area have recommended that non-contact visits should be the only form of visit allowed for all inmates.

Five correctional officers who work the visiting area have recommended that non-contact visits should be the only form of visit allowed.

5. Other Aspects of Visiting With the Inmate

Because of the restrictions on what may be brought into the visiting area, families are somewhat limited as to what they may do during the 6-hour visiting period. For example, in most institutions, visitors may not bring in family games, art or writing materials, photographs, or family dinners. Some family members even reported being prohibited from bringing in Bibles and other religious materials.

Furthermore, although 58% of the survey respondents stated that they would like to participate in family counseling with the inmate, only six percent said that such programs were in existence at the institution visited, and it is unclear whether any of these even allow the participation of outside family members. As a result, visitors typically spend most of the visiting time talking with the inmate. When the inmate’s children, especially small children, are visiting, this lack of activity can create problems and tensions between the visitor and officers.

a. Children Visit Inmates

Children are a very prominent feature in the visiting areas. Forty-five percent of the inmates in Florida have one or more minor children, and seventy percent of the family members surveyed said that the inmate’s children currently visit the inmate. There are currently no limits on the number of children that may visit an inmate at one time, and approved visitors may bring their own children, even if the child is not related to the inmate. In spite of their consistent presence, little has been done in Florida to accommodate visiting areas for the presence of children.

“Children should be allowed to at least have crayons and paper to keep them occupied.”

¹⁴ Rule 33-5.0081, F.A.C.

The rules of the department require that children in the visiting area must remain under the control of their parents at all times. However, as many family members and correctional officers remarked, it can be difficult to maintain good behavior in children for a six hour visit when there is nothing to keep them occupied. For security reasons, most institutions prohibit children from bringing toys, books or games into the visiting area.

“It is almost impossible to maintain a child who has to sit in the same place for five to six hours.”

-- Surveyed family member

Although such objects could occupy the child, they also reportedly provide a potential hiding place for contraband. With nothing to do, children are expected to sit quietly at the table with their parents.

In response to this problem, five institutions have instead provided toys or books for children in the visiting area. One of these institutions, a private facility, has even developed a small outside playground area. For the most part, however, institutions are doing very little, if anything, to encourage parents to interact with their children, or to even assist parents in keeping children occupied during visiting hours. Ninety-three percent of the institutions in Florida have made no attempts to accommodate children in the visiting area.

“Small children usually run around all day because their parents are focused on seeing their loved one - but this makes our job much harder when we have to repeatedly ask the parents to supervise their children.”

-- Surveyed correctional officer

Correctional officers are also keenly aware of this problem, listing “restless and misbehaving children” as one of the major problems in the visiting area.

However, correctional officers may view the problem from a different perspective, as children in the visiting area can make supervisory duties all the more difficult. Officers must insure that children are controlled by their parents, and that bored children do not bother other visitors, or behave in a manner that could cause injury to themselves or someone else. Officers also

expressed concern over the possibility of sex offenders in the visiting area having contact with other people’s children. In fact 52% of correctional officers who work in the visiting area feel that it is inappropriate to even bring children to visit a family member in prison. However, if children are not to be completely prohibited from the visiting area, 30% of officers suggested that activities for children should be provided, such as toys, a VCR with cartoons, or a playground. Other suggestions included:

- C Limit the number of children per inmate or visitor;
- C Prohibit children from visiting;
- C Prohibit young children from visiting;
- C Require more supervision by parents;
- C Permit visits by only the inmate’s children; and
- C Designate visits from children as special visits and isolate them from other inmates.

b. Food Availability During the Visit

For families separated by incarceration, sharing a meal can be a meaningful experience, a replication of an everyday occurrence that families on the outside generally experience together. Although allowed in the past, institutions now generally prohibit visitors from bringing home-cooked meals or other food into the visiting area for security reasons - it is reportedly very difficult to find contraband such as weapons and drugs in food. Therefore, in light of this prohibition, each institution makes food available during visiting hours through either an inmate operated canteen, vending machines, or a combination of both.¹⁵ All profits derived from these operations are reportedly deposited in the inmate welfare trust fund, although the law is less than precise on this point.

“When I started in 1976, visitors could bring in food. A lot of contraband, mostly drugs, were found hidden in the food.”

-- Surveyed correctional officer

With little else to actively participate in together, sharing a meal is a common activity in the visiting area. Furthermore, it is the only means of eating for the six hours of visiting, as most institutions do not allow visitors to leave the institution and return later that day.

“Vending machines are costly, the food items are unhealthy and the machines are usually empty before the visiting time period is over. There is no milk or juice for children.”

-- Surveyed family member

Because food is such a common part of the visiting area, it can also be quite problematic. Twenty-seven family members commented on difficulties with food service in the visiting park, primarily in institutions offering only vending machines. According to these family members, vending machines are often empty before visiting hours are over. Furthermore, they reported that vending machines break down frequently and offer a very

limited selection of food. The choice of food was of particular importance to visitors with children. Several parents commented that it was very difficult to find healthy food suitable for children in the vending machines, pointing out that the inundation with sugary junk foods made the children even more restless.

Correctional officers agreed that food service was problematic, and fifteen percent listed vending machine complications as a major problem in the visiting area. Vending machines are typically operated by private companies. Therefore, correctional officers are unable to personally deal with problems with the machines as they arise, although the visitors look to them for relief.

Fifty-seven percent of the officers stated that canteens were the better means of providing food in the visiting area. Although canteens can provide fresher food and more variety, they are also associated with problems. Because canteens are operated by an inmate, the canteen puts inmates in a position of

¹⁵ Twenty-four institutions have a canteen, thirty-seven institutions have vending machines.

accepting money, and possibly other objects, from visitors. Furthermore, canteens require visitors to wait in yet another line as a part of the visit.

c. Families and Inmates Attending Sunday Services Together

Although becoming less common, sixteen institutions continue to allow visitors to attend the institutional worship service together with the inmate. (See Appendix 8) This opportunity was one of the positive visiting programs offered by the department that family members described. Although the rules of the department still afford superintendents the discretion to authorize such services, it appears that the statewide trend has been to end such services because of staffing limitations and security concerns.

“Attending chapel services on Sunday morning while visiting should be permitted as it was previously very meaningful to the family.”

-- Surveyed family member

Sixty-one percent of the officers surveyed said joint worship services with visitors are a security threat. However, this may be because many

Sixty-one percent of the officers surveyed felt that allowing family members to attend worship services with the inmate creates a serious security threat. However, this may be related to the fact that many institutions do not assign security officers to the service. These officers point out that allowing joint worship during visitation creates a contraband problem, and that when security officers are not

assigned to the chapel for such joint worship, visitors have unsupervised contact. On the other hand, 39% of the officers felt that such joint worship does not create a serious security threat, agreeing that, with the proper security measures, a worship service that includes visitors can be a positive program.

d. Taking Family Photos in Visiting Area

Visitors are generally not allowed to bring cameras into the visiting area without the express consent of the superintendent. However, at some institutions, an inmate photographer is available to take family pictures for both the inmate and the visitors. Several family members commented that the institution that they visit recently ended the privilege of having a picture taken, even though that privilege had been very meaningful, especially in families with children.

“Taking pictures with family members isn’t allowed anymore, while children are born and people die and there are no memories to look at.”

-- Surveyed family member

6. Correctional Officers Staff the Visiting Area

At most institutions, officers are assigned to work the visiting area by the shift commander. Positions in the visiting area are not considered “critical posts” and are therefore staffed by officers who would

otherwise be working in another area of the institution. Because the administration may be hesitant to draw staff away from other institutional posts, the visiting area may often be understaffed.

Seventy-two percent of the officers surveyed reported that there are not enough officers working in the visiting area. In fact, lack of staff was the most frequently listed major problem in the visiting area. This lack of staff may contribute to the slow registration process. As a result, officers may also be more inclined to support restricting the visiting environment to only the bare necessities, as this makes the job somewhat more manageable.

Exhibit 17

TOP PROBLEMS REPORTED BY CORRECTIONAL OFFICERS IN THE VISITING AREA
Lack of staff
Contraband
Restless and misbehaving children
Inappropriate physical contact
Disrespectful visitors
Officer/Supervisor inconsistency and bias
Visitor unfamiliarity with rules
Dress code infractions and ambiguity
Problems associated with vending machines
Lack of space
Sex offender contact with other visitors children

Source: Survey conducted by committee staff

Working in the visiting area can be a very different experience from other institutional posts. Visitation is one of the rare instances in which officers interact with people who are neither inmates nor correctional personnel. Many officers report that they value this chance to develop different skills, stating that they enjoy the opportunity to work with and meet the public and the families of the inmates.

Visiting hours are one of the rare instances in which officers interact with the general public, people who are neither inmates nor correctional personnel.

However, even though most assigned officers enjoy working in the visiting park, approximately a fourth do not. These officers explained that visitors do not understand the security justifications behind the rules and therefore frequently test them. One officer described visitors as “hot, loud and obnoxious.”

Another termed the post “a boring and thankless job.” These differing approaches to working in the visiting area may account for the seemingly tenuous relationship between a vocal minority of visitors and officers.

For the most part, both officers and families report that attitudes in the visiting area are generally positive - with 64% of the families reporting that officers were generally courteous, while 60% of the officers said the same about visitors. However, for the minority that felt differently, the problem seemed to be of great importance.

When asked to comment generally on the correctional system, 22% of the visitors surveyed discussed the attitudes of officers, describing them as impolite, uncaring, rude, power hungry, unfriendly and having a derogatory attitude. These visitors felt that they were treated “like dirt,” or like criminals. And, in fact, 65% of the officers surveyed did not believe that visitors were generally honest, law-abiding citizens.

On the other hand, 31% of the officers said that disrespectful visitors were a major problem in the visiting area, and such visitors were a common reason given for not wanting to work in the visiting area. However, three correctional officers commented that visitors were not entirely to blame, pointing to overzealous correctional officers as part of the problem. Therefore, it seems that the problem is twofold.

“I think all visitors should have an orientation procedure that informs them of our jobs and of their responsibilities.”

-- Surveyed correctional officer

The department has, to some extent, recognized that working in the visiting area can be a very different experience from other post assignments, and has promulgated rules which provide that although security staff must maintain order, they must also maintain “a courteous attitude toward the inmate and visitor” and should not interfere in the visits unless there is a violation of the rules or other disruptions. Aside from the rule, little has been done to implement this policy, and officers do not receive any additional training for the unique complications of the post.

Officers need to receive some training on putting their biases aside when dealing with inmate families.

VIII. FAMILY PROGRAMS CURRENTLY OFFERED IN FLORIDA

Exhibit 18 illustrates some of the family oriented programs currently offered by the department.

Exhibit 18

FAMILY PROGRAMS OFFERED BY THE DEPARTMENT					
Program	Description	Impact		Funding	Institution
		Number Served	Sex		
Even Start	Literacy program that incorporates visiting and education with the inmate and the inmate's child.	80 inmates and an average of 150 children	Female	The DOC is in the fourth funding year of a four year federal Even Start grant.	Broward C.I. Florida C.I. Atlantic C.C.C. Miami C.C.C.
W.A.L.K.	A twelve week course that teaches writing skills, including writing letters to children.	60 inmates and 180 children	Female	Americorps VISTA grant.	Gadsden C.I.
Building Family Ties	Parenting classes offered in coordination with the Building Family Ties Literacy Program.	60 inmates and 170 children	Female	Seventy-five percent funding from grant.	Jefferson C.I. Gadsden C.I.
DADS Family Project	Parenting classes for fathers.	80 inmates	Male	\$9,950 from the inmate welfare trust fund	Taylor C.I., Madison C.I. Liberty C.I.
F.O.C.A.U .S.	Faith-based program to assist women in maintaining family ties.	270 inmates	Female	\$5,000 a year through contract with DOC	Jefferson C.I. Florida C.I. Broward C.I.
Parenting from Prison	Parenting education course for women committed in the Big Bend area of Florida.	60 inmates	Female	\$15,240 grant from DCF	Jefferson C.I.
Reading Family Ties	Inmates read and record stories and books onto audio tapes to be sent to their children.	Designed to impact 1000 inmates a year.	Male	\$33,225 grant from the Commission on Responsible Fatherhood.	10 prisons

IX. INNOVATIVE FAMILY PROGRAMS IN OTHER STATES

The following are a sample of some of the programs implemented in other states relating to families and visiting.

A. Information for Visitors

1. New York

a. Each New York facility has developed a visitor's handbook containing specific information about the visiting process. Inmates are given the opportunity to mail this information to prospective visitors.

b. Using a grant from the New York City Department of Youth Services, a private association has prepared a series of booklets providing information for families and others about interacting with the justice system.

2. Texas

The Texas Department of Criminal Justice publishes a Guide for the Families of Offenders, providing the public with a brief description of the correctional system and policies. The guide discusses information about visiting, mail, family assistance, religious needs, health, discipline, the inmate grievance procedures, and other topics. The guide is available upon request from the department, and a condensed version is also available on the Internet.

B. Family Liaison/Office of Family Service

1. New York

The central office of the New York Department of Corrections has a division entitled Ministerial and Family Services Unit which has jurisdiction over both chaplaincy and family issues. Staff from this central office performs unannounced visiting area site visits every weekend to observe the day to day functioning of the visiting area and assure adherence to visiting area rules. Furthermore, this unit staffs each institution with a family services counselor who is not a correctional officer. These counselors are at the institution during visiting hours, and are available to provide information for visitors and to act as a liaison between visitors and correctional staff when disputes arise regarding visiting rules. Finally, family members who experience problems have the right to file a formal complaint with the Ministerial and Family Services Unit.

2. Texas

Each facility has a designated family liaison officer to promote contact between offenders and their families. This officer is a contact person for families and can offer explanations when needed. This officer can also provide families with information about the offender's

classification, location and physical health and notify offenders about family emergencies.

C. Visitor Centers

1. California

The California Department of Corrections is required by statute to contract with a private nonprofit agency to provide prison visitor services. The primary contractor, Centerforce, currently provides specific services to visitors at 31 of the 32 state prisons in California. The required services are:

- C shelter from inclement weather;
- C transportation assistance;
- C child care for visitor's children;
- C emergency clothing;
- C information on visiting processing; and
- C referrals to other agencies and services.

These services are available at no cost to visitors, although donations are accepted, and are provided by Centerforce staff or through a subcontract with local community-based organizations. Centerforce is supported by \$1,784,526 from the contract with the department. Funds also are raised from grants, donations, fundraising and other revenue.

Centerforce also provides inmate literacy programs, health education, and enhanced children's programming.

2. New York

The New York Department of Corrections uses money from inmate telephone commissions to contract with individual community organizations to provide visitor centers at twenty-five institutions statewide. Under the contract, the local private organization receives \$12,000 a year from the department and must raise an additional \$12,000 on their own. The department also provides a building for the program, usually a double-wide trailer or former officer quarters. The community organization then uses volunteers to provide programs for children, shelter from inclement weather for visitors, a waiting area prior to processing, and other programs.

D. Transportation Services

1. New York

The New York Department of Corrections uses money from inmate telephone commissions to fund contracts with private companies to provide a free bus program for visitors who otherwise could not afford the ride. Busses run from the central urban areas to rural upstate New York,

serving more than 2,000 visitors a month statewide.

2. California

As stated above, Centerforce, a private nonprofit agency under contract with the department, provides transportation assistance for visitors from local transit centers to the institution.

E. Programming for Children

1. New York

Inmate Family Service Program. Operating at numerous facilities, this program works to enhance visiting centers, provide play and interaction areas for children, and present parenting education and family living programs for inmates.

Children's Summer Visits. Bedford Hills C.I. has a ten week summer camp program for inmate children which lets incarcerated mothers visit with their children and take part in a day camp. Children either stay with volunteer host families near the prisons or are transported daily from home. Some of the volunteer hosts reportedly found this summer program so gratifying that they have also volunteered to host a child one Saturday night a month year-round.

The Children's Center. Funded by a grant from the NY Department of Correctional Services, the Children's Center at Bedford C.I. offers wide range of services to inmates and children. The center is designed to help women preserve and strengthen family ties and receive visits from their children.

The Children's Playroom. Both Bedford C.I. and Arthur Kill C.I. have equipped recreation centers for visiting children, set up through the cooperative efforts of inmates and staff. Funds from inmate vending machines were used to purchase toys and furniture, and the prison art classes paint murals on the walls, while a floor covering class installed carpeting. Inmates maintain all of the equipment utilized and are responsible for cleaning the center. At Bedford, this visiting area is staffed by a teacher and eight inmate care givers, while at Arthur Kill, the institution utilizes volunteers from the Foster Grandparent program. The program is reportedly intended to foster a closer relationship between the mother and child, provide a well-staffed recreation and education program for children, and to teach inmates to become competent care givers and mothers. However, it also has the added benefit of making the adult visiting area an easier place to talk. In addition to these two institutions, the department reports that several women's institutions have outside play areas for children and no problems have been reported

relating to injuries or supervision.¹

2. North Carolina

Children's Visiting Area. Orange Correctional Center improving the facility visiting area using grants from community groups. Inmates installed playground equipment funded by the grants, and also provided labor for landscaping and building tables and benches.

Family Visit Program. Inmates in their final stage of imprisonment are eligible to be considered for a family visit program, which offers an opportunity to spend time with families in order to assist the adjustment back to society.

¹ According to the department, inmates are expected to supervise their own children playing. When an inmate fails to supervise, officers may remove the child from the play area and the parent is informed in writing that their child may not return to the play area.

X. CONCLUSIONS

The department, by statute, is charged with rehabilitating offenders through work, programs, and services. Because research has shown that family contacts can play an important role in the inmate's rehabilitation, it is a logical conclusion that the department should make every attempt to utilize this resource and do what it can to encourage family contact, particularly when such contact produces an additional benefit of a sizable revenue stream for the state.

The agency's strategic plan for 1998-2003 recognizes that more than 95% of the offenders will at some point be released to the community, and that programs must be provided to insure public safety. Currently, these rehabilitation-oriented programs target substance abuse, education deficiencies, job skills and life skills. There is little mention of using the family to assist in rehabilitation, or the importance of inmates having family contacts.

Most striking is that there has been an overriding trend in the last ten years making it increasingly difficult for inmates to maintain family contacts. Families have been prohibited from sending gifts, forced to pay high telephone bills to subsidize the state correctional system, and for the most part removed from the inmate's rehabilitative process.

In its every day operations, the department plays a very important role in determining the nature and quality of contact that families of inmates are able to maintain. The placing of inmates, the siting of prisons, the development of programs, and the promulgation of rules are just a few of the responsibilities of the department that, while primarily intended to accomplish other purposes, can have a profound effect on families. Although the department recognized in its rules that maintaining home and community contacts can lead to a reduction in recidivism, many barriers and burdens exist that prevent or lessen the value of such contacts.

Although security is the primary concern of the department, it need not be to the extent of all other considerations. Security measures which are overzealously applied, result in only a small improvement in institutional safety and which extract a huge toll in disenfranchising families, must be revisited and evaluated. For example, many institutions have eliminated joint chapel services, in spite of the importance to families, because of "problems with contraband." However, several institutions have demonstrated that total elimination of a problematic program is not always the only option available.

By adapting the needs of the family to the needs of the institution, compromises and balances can be achieved. Furthermore, while allowing families to periodically mail packages may have created security problems in the past, such packages were a very important method of continuing to act like a family and provided a personal connection that was valued by families. Rather than completely abolishing the program, the department should consider alternative means of allowing such packages while still accounting for security.

Correctional systems in other states have demonstrated that total elimination of the package system is not the only answer to the contraband problem, by allowing families to send care-packages containing pre-approved items. If family contacts are to be encouraged, rules must be developed in a manner that considers the impact on families and lessens government intrusion.

Accepting phone calls from the inmate, although important in maintaining contact, can be exceedingly expensive. Not only are the calls billed at the already higher than average collect rate, but the paying party is unable to choose the lowest cost service provider, because all calls from an institution are diverted to a single telephone company under contract with the department.

The provision of telephone services to the inmate population is so lucrative that telephone service providers are able to offer the department up to 55% of their profits as a commission. Finally, because inmates may only make collect calls, inmates bear no responsibility in budgeting and planning for the cost of such calls. When renegotiating contracts with telephone service providers, the department should consider the expenses born by inmate families, in addition to security features and commissions. The department should also consider alternative means of providing access to telephones.

Through telephone commissions, food purchases while visiting, and deposits to the inmate's account, families and friends of inmates are the principal contributors, to the Inmate Welfare Trust Fund. Yet, while almost \$49 million in revenues was collected in FY 1997-98, less than \$100,000 was spent on programs that directly benefitted such families. Other states with large correctional populations, such as New York and California, are using revenue derived from telephone commissions to provide direct services to inmate families, like visitor hospitality centers, toys and games for children who visit an incarcerated parent, and transportation to remote prisons.

Because most institutions rely on the inmate to inform family members about the policies and procedures associated with visiting, many family members remain uninformed. Not only are family members unaware of many of the rules, but they also may not understand the security justifications behind the rules. The department should develop a handbook, providing families with information about the department and its institutions, and discussing pertinent rules and why they are important. At a minimum, institutions should be required to develop a visitor information sheet using a uniform format, to be mailed to all prospective visitors by the institution.

Visiting presents many challenges for families. Many prisons are located in remote parts of the state, requiring long drives at very early hours. Upon arrival at the institution, visitors must stand in long lines with no shelter from inclement weather. Visitors often arrive uninformed about the rules of the visiting park, and their lack of information is compounded by the often inconsistent application of the rules. Once inside, vending machines are often broken or even empty. Children, although a consistent presence, are generally allowed nothing to keep them occupied for the six-hour visiting period.

Such visiting conditions strain both the visitors and the correctional officers working the visiting area, creating hostile and negative relations in some cases. For the above reasons, the Legislature should

designate an office of family services within the department. Such office would be responsible for insuring that visitation is provided in a manner that encourages family contact and development, especially for the inmate's children, without compromising valid security concerns. The office could develop means of informing families about the rules and policies of the department in a manner that not only prepares them for future interaction, but educates them as to the purpose of such requirements. The office could also develop information and training to assist officers to be better prepared for the requirements of the post and provide better customer service to visitors.

If the Legislature chooses to create an office of family services, then this will be the final and necessary step of a collaborative three-prong partnership with victims of crimes, communities of faith, and inmate families. The first partnership began about a decade ago when the Legislature began to address the needs of the victims of crime. Through extensive legislation, victims have gained rights in the criminal justice system and access to special programs and services. Furthermore, the department's Victim Services Office serves as a contact point for victims who need services and information. The second partnership was initiated just two years ago when the Legislature squarely addressed the importance of inmates accepting personal responsibility for their crimes. In §944.803 F.S., the Legislature required the department to develop partnerships with faith-based institutions in the community in order to assist inmates in recognizing their accountability.

After addressing the needs of the offender's victim, and the importance of the offender's acceptance of personal responsibility while incarcerated, the final step is to address the importance of the offender's situation upon release. Now is the time for the third component to be put in place.

While the overall conclusions and recommendations of this report suggest that significant improvements are needed, such changes will not come about unless agency leadership embraces pro-family policies. Families are, by their very nature, a relatively powerless constituency. And, the Legislature has traditionally delegated to the executive branch these types of prison management decisions.

Even if the Legislature seeks to micro manage the prison system and impose certain pro-family services through mandate, it will most likely curtail its policy interference when it is warned that such change may threaten prison security, increase legal liability, or remove vital funding from mainstream rehabilitation programs. For these reasons, the bulk of the recommendations listed in the report are directed to the corrections professionals who are first and foremost charged with the protection of public safety and the best equipped to balance the needs of security with the needs of family unification.

The challenge for corrections professionals prompted by this report will be to become a partner to families and view them not as a burden but as a new constituency. While the promise to our citizens is to be tough on criminals and maintain the tight custody and control of inmates during their incarceration, the citizens also are demanding a decrease in crime and relief from its impact. By restoring fundamental family relationships which are consistent with lawful living, the inmate may be less likely to return to

society with the clear intent to commit another crime. This vision has the potential to save millions of dollars through reduced recidivism and also may spare some of our communities and families from the hardships of crime.

XI. ACKNOWLEDGMENTS

A project of this nature required the participation of a great many people besides the committee staff. Staff were assisted in many ways by the Department of Corrections, the Correctional Privatization Commission, the Legislative Resource Center, the Office of Program Policy Analysis and Government Accountability, the Office of Economic and Demographic Research, and the Public Service Commission. We would particularly like to acknowledge the contributions made by both the families who participated in the survey and focus group, and the correctional officers who participated in the survey and provided insight into the realities of working in visiting areas.

APPENDIX

**FLORIDA LEGISLATURE, HOUSE CORRECTIONS COMMITTEE
SURVEY OF FAMILIES**

**Sample Size=608
N= 286 (47% Response Rate)**

Please take a few moments to answer the following questions. Your responses will help the Florida House of Representatives study the burden that incarceration may place on families of inmates. Your responses will remain *completely anonymous and confidential*. Please return your responses by **August 28, 1998**, in the envelope provided. *Thank you* for your participation.

Q1. What is your relationship to the inmate you visit?

Child/Parent	54%	Other family member	13%
Spouse	15%	Friend/ Non-family	18%

Q2. Will the inmate live with you upon release?

Yes	75%	No	14%	Don't know	11%
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Q3. a. What is your sex?

Male	22%	Female	78%
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b. How old are you?

18-30 years	14%	71+years	11%	Average	50 years
31-50 years	36%	51-70 years	39%		

Q4. How often do you visit the inmate?

Once a week	27%	Once a month	17%	Other	15%
Twice a month	26%	Several times a year	15%		

Q5. Would you like to visit more frequently?

Yes	86%	No	14%
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Q6. How often do you receive mail from the inmate?

Once a week	40%	Once a month	11%	Other	20%
Twice a month	19%	Several times a year	10%		

Q7. How often do you send mail to the inmate?

Once a week	35%	Once a month	8%	Other	24%
Twice a month	23%	Several times a year	10%		

Q8. How often do you receive phone calls from the inmate?

Once a week	33%	Once a month	3%	Other	53%
Twice a month	9%	Several times a year	2%		

Q9. Which do you feel creates the **greatest** burden on families:

Travel to prison	34%	Loss of inmate's income	26%	Phone cost	16%
Inmate account cost	13%	Other	11%		

Q10. Do you work on weekends?

Yes	37%	No	63%
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Q11. How far are you from the prison?

0-49 miles	28%	100-249 miles	24%	400+ miles	9%
50-99 miles	26%	250-399 miles	13%	Average	158 miles

Q12. Do you own a car?

Yes	90%	No	10%
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Q13. Does the inmate you visit have minor children?

No	50%	Yes	50%
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Q13(a). If yes, how many minor children does the inmate have?

1 minor child	52%	3 minor children	15%
2 minor children	24%	4 or more minor children	10%

Average number of children per inmate with children	2.0
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Q13(b). How old are the children?

0-5 years	31%	6-10 years	32%	11-18 years	37%
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Mean age of minor children	8.7 years
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Q13(c). Did the minor children live with the inmate before going to prison?

Yes	66%	No	34%
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Q13(d). Will the children live with the inmate when he/she is released?

Yes	70%	No	30%
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Q13(e). Do the children visit the inmate?

Yes	70%	No	28%	Don't know	2%
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Q13(f). What do the children do during the visiting time?

Play with toys	3%	Play on playground	2%	Read books	2%
Talk with inmate	24%	Play with inmate	16%	Other	5%

Q14. Have you ever requested a special visit?

Yes	26%	No	74%
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Q14(a). Was special visit request granted?

Yes	51%	No	49%
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Q14(b). What was the situation?

Out of state visitors	Conflict w/ assigned weekend	Inmate in medical facility
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Q15. Have you ever requested that an inmate be transferred closer to home?

Yes	31%	No	69%
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Q15(a). Was transfer request granted?

Yes	43%	No	57%
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Q15(b). What was the situation?

Disability/health problems	Travel distance
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Q16. Has your approved visitation ever been prevented because the inmate was not able to have visitors?

No	77%	Yes	23%
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Q16(a). If your visit was prevented, were you notified in advance or turned away at the door?

Notified prior to traveling 23% Turned away at the prison 47% Other 31%

Q17. Do you spend money on a monthly basis for any of the following:

EXPENSE	YES	NO	MONTHLY AMOUNT
Accepting phone calls	82%	18%	\$69.19
Spending money on stamps	74%	26%	\$12.04
Depositing money in inmate's account	84%	16%	\$83.63
Spending money on other items (travel, food and hotel expenses for visits)	28%	72%	\$110.25
TOTAL			\$275.11

Q18. How often are you pat searched prior to a visit?

Every time 96% Every other time 1% Never 3%

Q19. Have you ever been strip searched at a visit?

Yes 5% No 95%

Q20. Please circle the appropriate number to indicate your feelings concerning the statement below:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
a. I would like to participate in family counseling with the inmate at the visiting park.	35%	23%	27%	9%	6%
b. I feel safe in the visiting park.	52%	39%	7%	2%	1%
c. When visiting, most of my time during visiting hours is spent actually visiting with the inmate.	57%	28%	3%	6%	6%
d. The inmate's children enjoy the visiting time.	33%	25%	24%	8%	9%
e. Searching prison visitors is a necessary part of maintaining prison security.	61%	29%	5%	4%	1%
f. Correctional officers are generally courteous to visitors.	32%	32%	17%	12%	7%
g. I am satisfied with the level of security at the visiting park.	45%	41%	9%	2%	3%
h. When the inmate's children visit, there are things to keep the children occupied.	9%	6%	13%	19%	53%
i. When I visit, the inmate benefits.	76%	19%	3%	2%	0%
j. When I visit, I benefit.	74%	18%	4%	3%	1%
k. When I talk to the inmate on the phone, the inmate benefits.	75%	19%	3%	3%	0%
l. When I talk to the inmate on the phone, I benefit.	70%	21%	6%	3%	0%
m. Visiting family members can talk freely with the inmate.	50%	36%	8%	5%	1%
n. When developing rules and regulations, the Department of Corrections considers the burden that the rules may have on innocent family members.	14%	23%	19%	22%	22%

Q21. Does the institution you visit offer any of the following services to families of prisoners?

	Yes	No
a. Marriage counseling or relationship building programs	6%	94%
b. Family building counseling or programs	6%	94%
c. Children's activities in the visiting park	5%	95%
d. Religious programs for both the inmate and the family	33%	67%

Q22. Please check the box next to the word or words that best describe the visiting experience:

	No	Yes		No	Yes
Emotional	43%	57%	Exciting	77%	23%
Tense	81%	19%	Educational	88%	12%
Stressful	65%	35%	Boring	88%	12%
Dangerous	97%	3%	Restless	87%	13%
Comfortable	70%	30%	Spiritual	86%	14%
Happy	39%	61%	Restrictive	62%	38%

Q23. Have you seen any positive visiting policies or programs at any institutions?

Yes	24%	No	76%
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- Attending chapel services on Sunday morning**
- Permitting children to have games, crayons and coloring books and areas to play**
- Providing canteens**
- Treating visitors with respect and kindness**
- Permitting hand holding and sitting together**
- Providing programs like Kairos and Promise Keepers**
- Permitting the taking of instant photos**
- Providing children with inmate-made toys at Christmas and inviting family members for holiday events at night**
- Permitting family members to send stamped self addressed envelopes and sheets of paper**

Q24. Do you have any additional comments that you would like to make concerning the impact that visiting policies, phone policies and mail policies have on families? (N=198)

Visitor check-in is too slow	(55 respondents)
Telephone rates are too high	(45 respondents)
Officers are perceived as rude	(44 respondents)
Visitors must wait in weather conditions	(41 respondents)
No activities for children	(33 respondents)
Vending machines are poorly maintained and costly	(27 respondents)
No ability to send "care packages"	(23 respondents)
Pre-approved call lists delays calls	(21 respondents)
10-minute call limit is too short	(17 respondents)
No advance information on visiting policies	(16 respondents)
Telephones frequently out-of-order	(15 respondents)
Telephones located in noisy area	(12 respondents)

PLEASE RETURN YOUR COMPLETED QUESTIONNAIRE **BY AUGUST 28, 1998** TO:

HOUSE CORRECTIONS COMMITTEE
ROOM 326 HOB 402 S. MONROE STREET
TALLAHASSEE, FL 32399-1300

Appendix 2

HOUSE CORRECTIONS COMMITTEE
CORRECTIONAL OFFICER SURVEY

Sample Size= 120

N= 61 (51% Response Rate)

Please take a few moments to answer the following questions. Your responses will remain *completely anonymous and confidential and need not be approved by your supervisors*. Your input will be used to better understand the burden visitation may place on staff, security and families. Please return your responses by *September 24, 1998*, in the envelope provided. *Thank you* for your participation.

Q1. In the last 6 months, how frequently have you worked in the visiting park?

Every weekend 81% Once a month 0% Twice a month 7% Other 12%

Q2. At your institution, how is it determined who works in the visiting park?

Officer- in-charge makes assignment 93% All officers take turns 3% I choose the assignment 3%

Q3. A. Do you like to work the visiting park?

Yes 76% No 24%

B. Why or why not?

Yes	Like to meet the public	No	Visitors disagree with and break rules
	Varies from usual work		Visitors disrespectful
	Enhances knowledge and skill		Children unsupervised and restless
	Ensures contraband stays out		Visiting park understaffed and crowded
	Helps in understanding inmate		

Q4. In the last 6 months, how often have you had to send a visitor away because of the following:

	More than once daily	Once daily	Every other week	Monthly	Other
a. Clothes	26%	16%	26%	20%	12%
b. Wrong visiting day	9%	9%	14%	32%	36%
c. Inmate in confinement	5%	8%	23%	33%	31%
d. Visitor is not on the approved list	20%	14%	26%	25%	15%

Other typical reasons for sending a visitor away:

Inappropriate identification

Wrong institution/ inmate transferred or at outside hospital

Improper dress/shoes/lack of undergarment

Minor children without parental consent authorization

Q5. At your institution, are family members allowed to attend worship services with the inmate?

Yes 26% No 74%

a. Do you feel this creates a serious security threat?

Yes 61% No 39%

Please explain:

Allowing joint worship during visitation creates contraband problem

Security officers are not assigned to chapel and joint worship would allow unsupervised contact

With proper security measures, joint worship works fine

Q6. Please mark the statement that best describes your opinion:

Visiting rules must be followed exactly as written regardless of the circumstances 53%

Officer's should use their best judgement and consider the situation in applying visiting rules 47%

Q7. In the visiting park, which do you think is the best way to provide food for visitors?

Canteens	57%	Vending machines	41%	Other	2%
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(Please explain why)

Advantages of Canteens	Advantages of Vending Machines
Greater variety of food choice	Less contraband (no need for inmate operator)
Food is fresh	Limits cash amount visitors can bring in
Less troublesome for officers	
Vending machines are frequently out-of-order	
Vending machines run out of food	

Q8. In recent years, many new security measures have been adopted. These include property restrictions, limits on what can be brought into the visiting park (for example, no food, religious materials, or toys) and limits on families participating in the institutional chapel. In your experience, have these made your institution more secure?

Yes	93%	No	7%
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Which new security measures seem the most effective?

Property restrictions	(13 respondents)
Toy restrictions	(5 respondents)
Food restrictions	(5 respondents)
Sealed tobacco products	(3 respondents)
Use of plastic/see through bags and purses	(3 respondents)
Religious materials restrictions	(3 respondents)

Q9. Please mark the **one** statement below you feel is true:

It is inappropriate to bring children to visit a family member in prison	52%
It is appropriate to bring children to visit a family member in prison	48%

Q10. At your institution, what do children generally do during visiting time?

	YES	NO		YES	NO
Play with toys	2%	98%	Play on playground	7%	93%
Read books	2%	98%	Talk with inmate	57%	43%
Play with inmate	43%	57%	Misbehave	22%	78%
Sit quietly	7%	93%			

Q11. Do you have any suggestions concerning children in the visiting park?

Provide activities (VCR, toys, playground, cartoons) for children	(17 respondents)
Limit the number of children per inmate or visitor	(11 respondents)
Prohibit children from visiting	(10 respondents)
Prohibit young children (12 and under) from visiting	(10 respondents)
Require more supervision by parents	(9 respondents)
Permit visits by children of inmates only	(7 respondents)
Designate as special visits and isolate from other inmates	(5 respondents)

Q12. Please mark the one statement you think is true:

Most contraband comes from visitors	46%	Most contraband does not come from visitors	36%	Other	18%
-------------------------------------	-----	---	-----	-------	-----

Q13. Please circle the appropriate number to indicate your feelings concerning the statement below based on your personal experiences:

	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
a. Visiting creates serious security problems	13%	29%	16%	36%	6%
b. The visiting park is understaffed	49%	23%	9%	14%	5%
c. Family visits should be encouraged	35%	46%	12%	5%	2%
d. Family visits should be discouraged	3%	5%	14%	46%	32%
e. Inmates who are in close contact with their families seem to have fewer disciplinary problems	28%	44%	18%	7%	3%
f. Visiting privileges are a good management tool	30%	51%	12%	5%	2%
g. Inmate families generally are courteous to officers in the visiting park	11%	49%	26%	12%	2%
h. Officers in the visiting park are generally courteous to inmate families	48%	45%	7%	0%	0%
i. Officers must treat visitors the same way they treat inmates	2%	11%	7%	43%	37%
j. If I show concern for family visitors, it is harder for me to be respected by the inmates	3%	0%	12%	53%	32%
k. Visitors are generally honest, law-abiding citizens	2%	33%	40%	18%	7%
l. It would be a good idea to have a daycare provider to supervise visiting children	14%	7%	9%	19%	51%
m. My job requirements make it difficult for me to be sensitive to visiting family members	2%	8%	18%	54%	18%
n. If visiting is too comfortable, prison will not be a deterrent to crime for those who are visiting	28%	25%	11%	25%	11%

Q14. Describe the top five major problems for correctional officers in a visiting park (please list in order of priority)

Lack of staff	(26 respondents)
Contraband	(22 respondents)
Restless and misbehaving children	(22 respondents)
Inappropriate physical contact	(20 respondents)
Disrespectful visitors	(19 respondents)
Officer/Supervisor inconsistency and bias	(15 respondents)
Visitor unfamiliarity with rules	(14 respondents)
Dress code infractions and ambiguity	(11 respondents)
Problems associated with vending machines	(9 respondents)
Lack of space	(8 respondents)
Sex offenders interacting with other children	(6 respondents)

Q15. Are there any past visiting policies or programs that you think should be started again?

Return the canteen to the visiting park	(8 respondents)
--	------------------------

Q16. Do you have any additional comments that you would like to make concerning visiting and the burdens it places on officers, security and families?

Remove the vending machines	(11 respondents)
Provide a copy of the visitation policies to every approved visitor	(10 respondents)
Limit the age of the children who are permitted to visit	(9 respondents)
Provide additional staff for the visiting park	(8 respondents)
Provide for non-contact visits only	(5 respondents)

PLEASE RETURN YOUR COMPLETED QUESTIONNAIRE **BY SEPTEMBER 24, 1998** TO:

HOUSE CORRECTIONS COMMITTEE
ROOM 326 HOB 402 S. MONROE STREET
TALLAHASSEE, FL 32399-1300

Appendix 3

**HOUSE CORRECTIONS COMMITTEE
LEGISLATIVE ASSISTANT SURVEY**

Sample Size=160

N= 68 (42% Response Rate)

Q1. In an average month, how often is your district office contacted by an inmate's family member?

Ranging from 0-15 contacts per month, the average number of contacts was 2.21.

Q2. In an average month, how much time is spent by your office responding to these contacts?

The average amount of time spent was 97.6 minutes.

Q3. Do you estimate that your office is contacted:

A. More frequently by inmate family members than by other constituents on other issues.

6%

B. Less frequently by inmate family members than by other constituents on other issues.

78%

C. Other: It is probably less than other issues, but it is a large percent of constituent calls and letters.

11%

Q4. Please rank the issues that inmates families contact your office on most often in order of frequency of occurrence (where 1 is the most frequently occurring subject of correspondence)

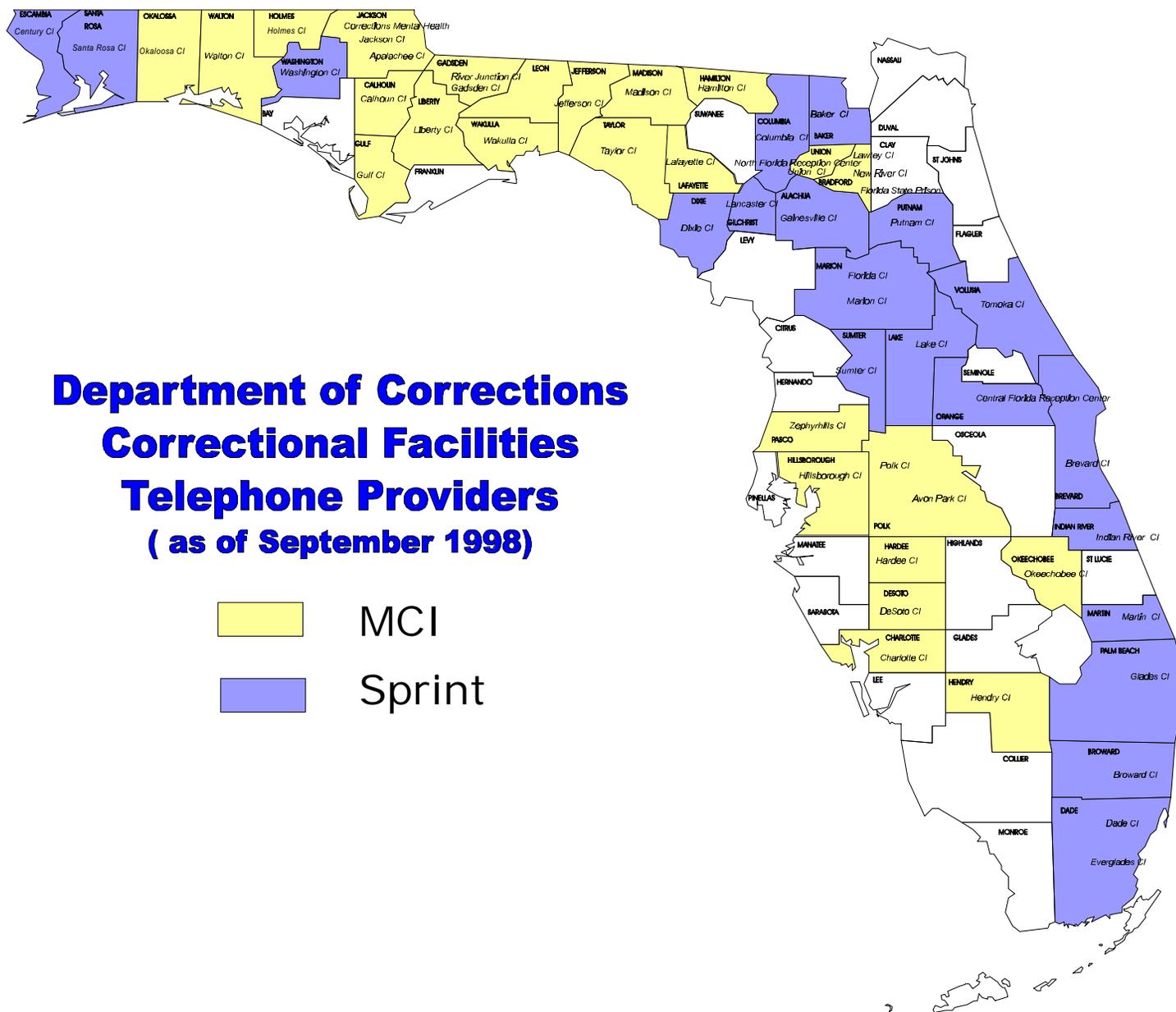
Transfer Request	60%
Medical Concerns	12%
General Problems	9%
Safety of Inmates	9%
Visiting Problems	3%
Crisis Situations	3%
Other	0%

Appendix 4

Children With A Parent Incarcerated in Florida		
Age	Number of Children	Percent of All Children
0	261	0.4 %
1	1,443	2.4 %
2	3,322	5.5 %
3	3,043	5.1 %
4	4,491	7.5 %
5	4,643	7.7 %
6	4,434	7.4 %
7	4,256	7.1 %
8	4,161	6.9 %
9	3,649	6.1 %
10	3,450	5.8 %
11	3,241	5.4 %
12	3,189	5.3 %
13	3,111	5.2 %
14	2,936	4.9 %
15	2,807	4.7 %
16	2,679	4.5 %
17	2,550	4.3 %
18	2,316	3.9 %
Total	59,921	100%

Source: Florida Department of Corrections

Appendix 5



Appendix 6

FLORIDA DEPARTMENT OF CORRECTIONS

VISITOR INFORMATION FORM

Inmate: _____ Nbr.: _____ Facility: _____

Facility Address: _____ Date: _____

Dear: _____

(Name)

(Address)

(City, State, Zip)

The above named inmate has requested that you be added to the approved visiting list. If you are interested in visiting this inmate, please fill this questionnaire out completely, attach a recent photograph of yourself, and return this form back to Department of Corrections. Once all of that information is received a decision will be made on the request to add your name to the approved visiting list. Do not plan to visit prior to receiving notification of your approval. This application will be considered valid for 30 days from the date noted above.

1. Relation to Inmate: _____ Are you a victim of the inmates's crime? _____
2. Your complete name: _____
3. Date of Birth: _____ Age: _____ Social Security #: _____
4. Drivers License #: _____ State: _____
5. Your residence address: _____
City: _____ State: _____ Zip: _____ County: _____
6. Telephone Number: () _____ Length of time at this address: _____
7. Your marital status: Single _____ Divorced _____ Married _____
8. Are you currently employed? _____ If yes, where? _____
9. Have you ever been arrested? _____ Explain: _____
10. Have you ever been convicted of a felony? _____ Explain: _____
11. Have you ever been incarcerated? _____ Explain: _____
12. Are you currently on parole? _____ Probation? _____ Explain: _____
13. Have you ever been employed by the Florida Department of Corrections? _____
When, where, and in what capacity: _____
14. Are you related to anyone supervised by this department? _____
Name: _____ DC#: _____ Location: _____
15. Are you presently on the visiting list of any inmate incarcerated with this department? _____
Name: _____ DC#: _____ Location: _____
16. How long have you known the inmate you wish to visit? _____
17. Where did you first meet? _____

If approved for visiting I understand it is my responsibility to review the rules regarding visiting that are available at the facility prior to any visit and to abide by those rules.

(Print Name)

(Signature)

(Date)

IF YOU ARE UNDER 18 YEARS OF AGE

If you are a minor (under the age of 18), your parent or legal guardian must approve and their signature of approval must be notarized. When visiting you must be accompanied by an adult that is on the inmate's approved visiting list.

I approve of my minor child being approved for visiting privileges with this inmate incarcerated in the state correctional system.

(Print Parent/Legal Guardian's Name)

(Parent/Legal Guardian's Signature)

(Date)

(Notary Signature)

Sworn and Subscribed to me this _____ day
of _____, 19____ in _____ county.

DEPT OF CORRECTIONS USE ONLY: Arrest record checked through: FCIC _____ NCIC _____ Other _____

No Record Found:

Record Found and attached:

Approved:

Disapproved:

Reason Disapproved: _____

COMMENTS: _____

Signature

Title

Date

Entered into O.B.I.S.: _____
Date

Appendix 7

REASONS GIVEN BY CORRECTIONAL OFFICERS FOR SENDING VISITORS AWAY
Dress code violation
Wrong visiting day
Inmate in confinement
Visitor is not approved
Rule violation
Visitor restriction
Inappropriate identification
Visitor arrived too late
Visitor is at wrong institution / inmate transferred
Minor children do not have parental consent
Visitor is disruptive or disrespectful
Inmate is in an outside hospital
Inmate refused the visit
Visitor has excessive cash
Visitor has too much contact / sex with inmate

Source: Survey of correctional officers conducted by committee staff

Appendix 8

JOINT FAMILY AND INMATE CHAPEL SERVICES		
Institutions That Offer a Joint Family and Inmate Chapel Service	Institutions That Recently Eliminated Joint Family and Inmate Chapel Service	Institutions That Have Never Offered a Joint Family and Inmate Chapel Service
Brevard C.I. Florida C.I. Florida State Prison Gainesville C.I. Glades C.I. Hernando C.I. Hillsborough C.I. Jefferson C.I. Lake C.I. ³ Lancaster C.I. Lawtey C.I. Mayo C.I. ⁴ Putnam C.I. ⁵ Sumter C.I. ⁶ Tomoka C.I. ⁷ Zephyrhills C.I.	Apalachee C.I. Avon Park C.I. Baker C.I. C.M.H.I. at River Junction Gadsden C.I. (private) Hamilton C.I. Holmes C.I. Jackson C.I. Madison C.I. Marion C.I. Okaloosa C.I. South Florida Reception Center Union C.I. Walton C.I.	Broward C.I. ⁸ Calhoun C.I. Central Florida Recep. Center Century C.I. Charlotte C.I. Columbia C.I. Cross City C.I. DeSoto C.I. Everglades C.I. Gulf C.I. Hardee C.I. Hendry C.I. Liberty C.I. Martin C.I. Moore Haven C.I. (private) New River C.I. Okeechobee Polk C.I. Santa Rosa C.I. Taylor C.I. Wakulla C.I. Washington C.I. Quincy C. I.

Source: Department of Corrections Survey, September 1998

*Seven institutions, Everglades C.I., Gulf C.I., Quincy C.I., Santa Rosa C.I., Taylor C.I., Wakulla C.I., and Washington C.I., reported having no chapel facility for a service. Two private facilities, Lake City C.I. and South Bay C.I., did not respond to the survey.

³ Reported plans to discontinue program because of security concerns.

⁴ No one under 18 may attend.

⁵ Addressed contraband problem by offering a separate service for inmates and visitors.

⁶ Offers special service for inmates and visitors.

⁷ Offers a special service on the first Sunday of each month.

⁸ Allows special services.

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